

# Great Lakes Federal Register



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# Contents

Federal Register

Vol. 51, No. 180

Wednesday, September 17, 1986

## Agency for International Development

### NOTICES

R & D limited partnership close coupling U.S. and developing country private sectors, 32969

## Agricultural Marketing Service

### PROPOSED RULES

Limes and avocados grown in Florida, 32924

## Agriculture Department

See Agricultural Marketing Service; Federal Crop Insurance Corporation; Federal Grain Inspection Service; Food and Nutrition Service; Food Safety and Inspection Service

## Alcohol, Tobacco and Firearms Bureau

### NOTICES

Organization, functions, and authority delegations: Associate Director (Compliance Operations), 32994

## Centers for Disease Control

### NOTICES

Grants and cooperative agreements; availability, etc.: Occupational safety and health—Educational resource centers, 32963

## Commerce Department

See also International Trade Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration; Patent and Trademark Office

### NOTICES

Agency information collection activities under OMB review, 32931  
(2 documents)

## Committee for the Implementation of Textile Agreements

### NOTICES

Cotton, wool, and man-made textiles: Philippines, 32940  
Export visa requirements; certification, etc.: Maldives, 32941

## Commodity Futures Trading Commission

### PROPOSED RULES

Foreign options and futures transactions, 32929

## Defense Department

See also Navy Department

### NOTICES

Agency information collection activities under OMB review, 32942

## Federal Acquisition Regulation (FAR):

Agency information collection activities under OMB review, 32944  
(2 documents)

### Meetings:

Science Board task forces, 32941, 32942  
(2 documents)

Wage Committee, 32942

## Education Department

### NOTICES

Education Appeal Board hearings:

Applications for review, 32944

Grants; availability, etc.:

Bilingual education—

Educational personnel training program, 33001

Instructional materials development program, 33000

Short-term training program, 33000

Special populations program, 33000

Training development and improvement program, 33001

Transitional programs, 33001

Business and international education program, 33009

Disadvantaged students program, special services, 33007

Discretionary grant programs (mathematics, science, etc.), 33003

Fulbright-Hays doctoral dissertation research abroad fellowship program, 33008

Fulbright-Hays faculty research abroad fellowship program, 33008

Fulbright-Hays group projects abroad program, 33008

Indian education programs—

Adult demonstration projects, 33007

Adult educational services, 33005

Adult pilot projects, 33006

Adult planning projects, 33006

Children demonstration projects, 33004

Children educational services, 33003

Children pilot projects, 33004

Children planning projects, 33004

Controlled schools, 33005

Educational personnel development, 33005

Formula grant program, 33005

Indian fellowship program, 33007

International research and studies program, 33009

Library literacy program, 33002

Library Services and Construction Act basic grants to

Indian Tribes and Hawaiian Natives program, 33002

Library Services and Construction Act special projects

grants to Indian Tribes and Hawaiian Natives

program, 33003

Minority institutions science improvement program, 33009

National diffusion network program, 33002

## Energy Department

See also Energy Research Office; Federal Energy Regulatory Commission

### NOTICES

Grants; availability, etc.:

Howard University, 32945

## Energy Research Office

### NOTICES

Meetings:

DOE/NSF Nuclear Science Advisory Committee, 32953

## Environmental Protection Agency

### RULES

Pesticide programs:

Experimental use permits; Federal issuance, 32920

**PROPOSED RULES****Hazardous waste:**

Identification and listing—

Exclusions; correction, 32929

**NOTICES**

Air quality; prevention of significant deterioration (PSD):

Permit determinations, etc.—

Region VII, 32954

Pesticide programs:

Confidential information and data transfer to—

Contractors, 32954

Pesticide registration, cancellation, etc.:

Fermone Chemicals, Inc., 32955

Pesticides; temporary tolerances:

E.I. du Pont de Nemours &amp; Co., Inc., 32956

Toxic and hazardous substances control:

Premanufacture notices receipts, 32956

**Equal Employment Opportunity Commission****NOTICES**

Agency information collection activities under OMB review, 32958

**Executive Office of the President**

See Management and Budget Office; Presidential Documents

**Federal Aviation Administration****RULES**

Airworthiness directives:

British Aerospace; correction, 32906

**PROPOSED RULES**

Aircraft products and parts, certification, etc.:

Petersen Aviation, Inc.; anti-detonation injection system, 32927

**NOTICES**

Advisory circulars; availability, etc.:

Rotocraft, normal category certification, 32992

Exemption petitions; summary and disposition, 32993

**Federal Communications Commission****RULES**

Common carrier services:

Interstate services; authorized rates of return—

AT&amp;T communications and exchange telephone carriers, 32920, 32921

(2 documents)

**Federal Crop Insurance Corporation****RULES**

Crop insurance regulations:

Interest rate charge, annual premium

Correction, 32903

**Federal Deposit Insurance Corporation****NOTICES**

Agency information collection activities under OMB review, 32959

Meetings; Sunshine Act, 32996

**Federal Emergency Management Agency****NOTICES**

Organization, functions, and authority delegations:

Deputy Associate Director, 32959

**Federal Energy Regulatory Commission****NOTICES**

Natural Gas Policy Act:

Pipeline decontrol; waivers, rehearings, clarifications, etc., 32946

Well category determinations, etc., 32948

Oil pipelines, interstate; tentative valuations, 32948

Small power production and cogeneration facilities; qualifying status:

P.C. Chadbourne &amp; Co. et al., 32948

*Applications, hearings, determinations, etc.:*

Alamito Co. et al., 32949

NICOR Exploration Co., 32953

**Federal Grain Inspection Service****PROPOSED RULES**

Inspection and certification standards; agricultural commodities and products:

Lentils, whole dry peas, and split peas

Correction, 32924

**Federal Highway Administration****RULES**

Engineering and traffic operations:

National standards for specific information signs, 32907

**Federal Home Loan Bank Board****PROPOSED RULES**

Federal Savings and Loan Insurance Corporation:

Direct investment by insured institution in equity securities, real estate, etc., 32925

**NOTICES**

Meetings:

Federal Savings and Loan Advisory Committee, 32960

Receiver appointments:

Consolidated Savings Bank, 32960

First Savings Association of Kilgore, 32960

Reserve Savings &amp; Loan Association, 32960

**Federal Maritime Commission****NOTICES**

Agreements filed, etc., 32960

Freight forwarder licenses:

A&amp;D Forwarding, Inc., et al., 32960

**Federal Mine Safety and Health Review Commission****NOTICES**

Meetings; Sunshine Act, 32996

**Federal Reserve System****NOTICES**

Agency information collection activities under OMB review, 32961

(2 documents)

*Applications, hearings, determinations, etc.:*

La Jolla Bancorp, 32962

Sumitomo Trust &amp; Banking Co., Ltd., et al., 32962

**Food and Nutrition Service****RULES**

Child nutrition programs:

Commodity supplemental food program—

Eligibility requirement for elderly persons, caseload procedures, etc., 32895

**Food Safety and Inspection Service****RULES**

Meat and poultry inspection:

Imported products; list of eligible countries—  
Withdrawals, 32903**General Services Administration****NOTICES**

Federal Acquisition Regulation (FAR):

Agency information collection activities under OMB  
review, 32944  
(2 documents)

Procurement:

Typewriter elements; commercial item description, 32963

**Health and Human Services Department**See Centers for Disease Control; Health Resources and  
Services Administration**Health Resources and Services Administration****NOTICES**Meetings; advisory committees:  
October, 32967**Housing and Urban Development Department****RULES**

Low income housing:

Housing assistance payments (Section 8)—  
Contract rent annual adjustment factors, 32908**Indian Affairs Bureau****NOTICES**Agency information collection activities under OMB review,  
32967**Interior Department**See Indian Affairs Bureau; Land Management Bureau;  
National Park Service**Internal Revenue Service****PROPOSED RULES**

Income taxes:

Nuclear decommissioning costs, 32929

**International Development Cooperation Agency**

See Agency for International Development

**International Trade Administration****NOTICES**

Countervailing duties:

Carbon steel wire rod from—  
South Africa, 32931

Applications, hearings, determinations, etc.:

Chemical Industry Institute of Toxicology, 32934

Harvard University, 32934

State University of New York, 32934

Syracuse University, 32935

Texas A&amp;M Research Foundation, 32935

University of California, 32935

University of California (Los Alamos National  
Laboratory), 32935

University of Notre Dame, 32936

University of Wisconsin, 32936

Yale University Medical School, 32936

**International Trade Commission****NOTICES**

Import investigations:

Cryogenic ultramicrotome apparatus and components,  
32972

Garment hangers, 32973

Indomethacin, 32973, 32974

(2 documents)

Jalousie and awning window operators from El Salvador,  
32974

Multi-level touch control lighting switches, 32975

Senior Executive Service:

Performance Review Boards; membership, 32976

**Interstate Commerce Commission****RULES**

Rail carriers:

Boxcar car hire and car service, 32922

**NOTICES**

Railroad operation, acquisition, construction, etc.:

Brookho Co., Inc., et al., 32976

Nashville &amp; Eastern Railroad Authority et al., 32977

Railroad services abandonment:

Grand Trunk Western Railroad Co., 32976

**Justice Department****NOTICES**

Pollution control; consent judgments:

New York City Housing Authority, 32977

**Land Management Bureau****RULES**

Public land orders:

New Mexico; correction, 32920

**NOTICES**

Oil and gas leasing:

Wyoming; correction, 32968

Realty actions; sales, leases, etc.:

Oregon, 32967

Withdrawal and reservation of lands:

Idaho, 32968

**Library of Congress****NOTICES**

Meetings:

American Folklife Center Board of Trustees, 32977

**Management and Budget Office****NOTICES**

Budget rescissions and deferrals

Cumulative reports, 33012

**Mine Safety and Health Federal Review Commission**

See Federal Mine Safety and Health Review Commission

**National Aeronautics and Space Administration****NOTICES**

Federal Acquisition Regulation (FAR):

Agency information collection activities under OMB  
review, 32944  
(2 documents)**National Bureau of Standards****NOTICES**

Grants; availability, etc.:

Precision measurement grants program, 32936

**National Institute for Occupational Safety and Health**

See Centers for Disease Control

**National Labor Relations Board****RULES****Procedural rules:**

Time periods for response to Board actions, 32918

Correction, 32919

**National Oceanic and Atmospheric Administration****NOTICES****Marine mammals:**

Incidental taking; authorization letters, etc.—

Air Force Department, 32938

**National Park Service****NOTICES****Environmental statements; availability, etc.:**

Lake Mead National Recreation Area, AZ and NV, 32968

**Management and land protection plans; availability, etc.:**

Tuolumne Wild and Scenic River Management, CA, 32969

**National Science Foundation****NOTICES**

Antarctic Conservation Act of 1978; permit applications, etc., 32978

**Navy Department****NOTICES****Environmental statements; availability, etc.:**

Gulf Coast strategic homeporting, 32943

**Meetings:**

Naval Research Advisory Committee, 32942, 32943

(3 documents)

**Nuclear Regulatory Commission****RULES****Production and utilization facilities; domestic licensing:**

Emergency planning; medical services; policy statement, 32904

**NOTICES****Environmental statements; availability, etc.:**

Carolina Power &amp; Light Co., 32979

Houston Lighting &amp; Power Co. et al., 32980

**Meetings; Sunshine Act, 32996****Applications, hearings, determinations, etc.:**

Alabama Power Co., 32978

Jersey Central Power &amp; Light Co., 32980

Long Island Lighting Co., 32979

Mississippi Power &amp; Light Co. et al.; correction, 32979

Philadelphia Electric Co., 32979

**Office of Management and Budget**

See Management and Budget Office

**Patent and Trademark Office****NOTICES**

Secrecy orders; format and scope, 32938

**Presidential Documents****EXECUTIVE ORDERS****Government employees:**

Drug-Free Federal Workplace (EO 12564), 32889

**Public Health Service**

See Centers for Disease Control; Health Resources and Services Administration

**Securities and Exchange Commission****RULES****Investment advisors:**

Transactions not deemed assignments, 32906

**NOTICES**

Agency information collection activities under OMB review, 32984

**Self-regulatory organizations; proposed rule changes:**

American Stock Exchange, Inc., 32985

Chicago Board Options Exchange, Inc., 32987

Chicago Board Options Exchange, Inc., et al., 32988

Depository Trust Co., 32989

Pacific Securities Depository Trust Co. et al., 32990

Pacific Stock Exchange, Inc., 32990, 32991

(2 documents)

**Self-regulatory organizations; unlisted trading privileges:**

Philadelphia Stock Exchange, Inc., 32992

**Applications, hearings, determinations, etc.:**

Dow Chemical Co., 32992

**Textile Agreements Implementation Committee**

See Committee for the Implementation of Textile Agreements

**Transportation Department**

See Federal Aviation Administration; Federal Highway Administration

**Treasury Department**

See Alcohol, Tobacco and Firearms Bureau; Internal Revenue Service

**Veterans Administration****NOTICES**

Agency information collection activities under OMB review, 32995

**Separate Parts in This Issue****Part II**

Department of Education, 33000

**Part III**

Office of Management and Budget, 33012

**Reader Aids**

Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

**CFR PARTS AFFECTED IN THIS ISSUE**

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

**3 CFR****Executive Orders:**

10450 (See EO 12564).....	32889
12333 (See EO 12564).....	32889
12356 (See EO 12564).....	32889
12564.....	32889

**7 CFR**

247.....	32895
402.....	32903
403.....	32903
409.....	32903
410.....	32903
411.....	32903
413-433.....	32903
435-451.....	32903

**Proposed Rules:**

68.....	32924
911.....	32924
915.....	32924

**9 CFR**

327.....	32903
----------	-------

**10 CFR**

50.....	32904
---------	-------

**12 CFR****Proposed Rules:**

563.....	32925
----------	-------

**14 CFR**

39.....	32906
---------	-------

**Proposed Rules:**

21.....	32927
23.....	32927

**17 CFR**

275.....	32906
----------	-------

**Proposed Rules:**

30.....	32929
---------	-------

**23 CFR**

655.....	32907
----------	-------

**24 CFR**

888.....	32908
----------	-------

**26 CFR****Proposed Rules:**

1.....	32929
602.....	32929

**29 CFR**

102 (2 documents).....	32918, 32919
------------------------	-----------------

**40 CFR**

172.....	32920
----------	-------

**Proposed Rules:**

261.....	32929
----------	-------

**43 CFR****Public Land Orders:**

6592 (Corrected by PLO 6621).....	32920
6621.....	32920

**47 CFR**

Ch. I.....	32920
65.....	32921

**49 CFR**

1039.....	32922
-----------	-------



# Presidential Documents

## Title 3—

Executive Order 12564 of September 15, 1986

## The President

### Drug-Free Federal Workplace

I, RONALD REAGAN, President of the United States of America, find that: Drug use is having serious adverse effects upon a significant proportion of the national work force and results in billions of dollars of lost productivity each year;

The Federal government, as an employer, is concerned with the well-being of its employees, the successful accomplishment of agency missions, and the need to maintain employee productivity;

The Federal government, as the largest employer in the Nation, can and should show the way towards achieving drug-free workplaces through a program designed to offer drug users a helping hand and, at the same time, demonstrating to drug users and potential drug users that drugs will not be tolerated in the Federal workplace;

The profits from illegal drugs provide the single greatest source of income for organized crime, fuel violent street crime, and otherwise contribute to the breakdown of our society;

The use of illegal drugs, on or off duty, by Federal employees is inconsistent not only with the law-abiding behavior expected of all citizens, but also with the special trust placed in such employees as servants of the public;

Federal employees who use illegal drugs, on or off duty, tend to be less productive, less reliable, and prone to greater absenteeism than their fellow employees who do not use illegal drugs;

The use of illegal drugs, on or off duty, by Federal employees impairs the efficiency of Federal departments and agencies, undermines public confidence in them, and makes it more difficult for other employees who do not use illegal drugs to perform their jobs effectively. The use of illegal drugs, on or off duty, by Federal employees also can pose a serious health and safety threat to members of the public and to other Federal employees;

The use of illegal drugs, on or off duty, by Federal employees in certain positions evidences less than the complete reliability, stability, and good judgment that is consistent with access to sensitive information and creates the possibility of coercion, influence, and irresponsible action under pressure that may pose a serious risk to national security, the public safety, and the effective enforcement of the law; and

Federal employees who use illegal drugs must themselves be primarily responsible for changing their behavior and, if necessary, begin the process of rehabilitating themselves.

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 3301(2) of Title 5 of the United States Code, section 7301 of Title 5 of the United States Code, section 290ee-1 of Title 42 of the United States Code, deeming such action in the best interests of national security, public health and safety, law enforcement and the efficiency of the Federal service, and in order to establish standards and procedures to ensure fairness in achieving a drug-free Federal workplace and to protect the privacy of Federal employees, it is hereby ordered as follows:

#### Section 1. Drug-Free Workplace.

(a) Federal employees are required to refrain from the use of illegal drugs.

(b) The use of illegal drugs by Federal employees, whether on duty or off duty, is contrary to the efficiency of the service.

(c) Persons who use illegal drugs are not suitable for Federal employment.

#### **Sec. 2. Agency Responsibilities.**

(a) The head of each Executive agency shall develop a plan for achieving the objective of a drug-free workplace with due consideration of the rights of the government, the employee, and the general public.

(b) Each agency plan shall include:

(1) A statement of policy setting forth the agency's expectations regarding drug use and the action to be anticipated in response to identified drug use;

(2) Employee Assistance Programs emphasizing high level direction, education, counseling, referral to rehabilitation, and coordination with available community resources;

(3) Supervisory training to assist in identifying and addressing illegal drug use by agency employees;

(4) Provision for self-referrals as well as supervisory referrals to treatment with maximum respect for individual confidentiality consistent with safety and security issues; and

(5) Provision for identifying illegal drug users, including testing on a controlled and carefully monitored basis in accordance with this Order.

#### **Sec. 3. Drug Testing Programs.**

(a) The head of each Executive agency shall establish a program to test for the use of illegal drugs by employees in sensitive positions. The extent to which such employees are tested and the criteria for such testing shall be determined by the head of each agency, based upon the nature of the agency's mission and its employees' duties, the efficient use of agency resources, and the danger to the public health and safety or national security that could result from the failure of an employee adequately to discharge his or her position.

(b) The head of each Executive agency shall establish a program for voluntary employee drug testing.

(c) In addition to the testing authorized in subsections (a) and (b) of this section, the head of each Executive agency is authorized to test an employee for illegal drug use under the following circumstances:

(1) When there is a reasonable suspicion that any employee uses illegal drugs;

(2) In an examination authorized by the agency regarding an accident or unsafe practice; or

(3) As part of or as a follow-up to counseling or rehabilitation for illegal drug use through an Employee Assistance Program.

(d) The head of each Executive agency is authorized to test any applicant for illegal drug use.

#### **Sec. 4. Drug Testing Procedures.**

(a) Sixty days prior to the implementation of a drug testing program pursuant to this Order, agencies shall notify employees that testing for use of illegal drugs is to be conducted and that they may seek counseling and rehabilitation and inform them of the procedures for obtaining such assistance through the agency's Employee Assistance Program. Agency drug testing programs already ongoing are exempted from the 60-day notice requirement. Agencies may take action under section 3(c) of this Order without reference to the 60-day notice period.

(b) Before conducting a drug test, the agency shall inform the employee to be tested of the opportunity to submit medical documentation that may support a legitimate use for a specific drug.

(c) Drug testing programs shall contain procedures for timely submission of requests for retention of records and specimens; procedures for retesting; and procedures, consistent with applicable law, to protect the confidentiality of test results and related medical and rehabilitation records. Procedures for providing urine specimens must allow individual privacy, unless the agency has reason to believe that a particular individual may alter or substitute the specimen to be provided.

(d) The Secretary of Health and Human Services is authorized to promulgate scientific and technical guidelines for drug testing programs, and agencies shall conduct their drug testing programs in accordance with these guidelines once promulgated.

**Sec. 5. Personnel Actions.**

(a) Agencies shall, in addition to any appropriate personnel actions, refer any employee who is found to use illegal drugs to an Employee Assistance Program for assessment, counseling, and referral for treatment or rehabilitation as appropriate.

(b) Agencies shall initiate action to discipline any employee who is found to use illegal drugs, *provided that* such action is not required for an employee who:

(1) Voluntarily identifies himself as a user of illegal drugs or who volunteers for drug testing pursuant to section 3(b) of this Order, prior to being identified through other means;

(2) Obtains counseling or rehabilitation through an Employee Assistance Program; and

(3) Thereafter refrains from using illegal drugs.

(c) Agencies shall not allow any employee to remain on duty in a sensitive position who is found to use illegal drugs, prior to successful completion of rehabilitation through an Employee Assistance Program. However, as part of a rehabilitation or counseling program, the head of an Executive agency may, in his or her discretion, allow an employee to return to duty in a sensitive position if it is determined that this action would not pose a danger to public health or safety or the national security.

(d) Agencies shall initiate action to remove from the service any employee who is found to use illegal drugs and:

(1) Refuses to obtain counseling or rehabilitation through an Employee Assistance Program; or

(2) Does not thereafter refrain from using illegal drugs.

(e) The results of a drug test and information developed by the agency in the course of the drug testing of the employee may be considered in processing any adverse action against the employee or for other administrative purposes. Preliminary test results may not be used in an administrative proceeding unless they are confirmed by a second analysis of the same sample or unless the employee confirms the accuracy of the initial test by admitting the use of illegal drugs.

(f) The determination of an agency that an employee uses illegal drugs can be made on the basis of any appropriate evidence, including direct observation, a criminal conviction, administrative inquiry, or the results of an authorized testing program. Positive drug test results may be rebutted by other evidence that an employee has not used illegal drugs.

(g) Any action to discipline an employee who is using illegal drugs (including removal from the service, if appropriate) shall be taken in compliance with otherwise applicable procedures, including the Civil Service Reform Act.

(h) Drug testing shall not be conducted pursuant to this Order for the purpose of gathering evidence for use in criminal proceedings. Agencies are not required to report to the Attorney General for investigation or prosecution any information, allegation, or evidence relating to violations of Title 21 of the United States Code received as a result of the operation of drug testing programs established pursuant to this Order.

**Sec. 6. Coordination of Agency Programs.**

(a) The Director of the Office of Personnel Management shall:

(1) Issue government-wide guidance to agencies on the implementation of the terms of this Order;

(2) Ensure that appropriate coverage for drug abuse is maintained for employees and their families under the Federal Employees Health Benefits Program;

(3) Develop a model Employee Assistance Program for Federal agencies and assist the agencies in putting programs in place;

(4) In consultation with the Secretary of Health and Human Services, develop and improve training programs for Federal supervisors and managers on illegal drug use; and

(5) In cooperation with the Secretary of Health and Human Services and heads of Executive agencies, mount an intensive drug awareness campaign throughout the Federal work force.

(b) The Attorney General shall render legal advice regarding the implementation of this Order and shall be consulted with regard to all guidelines, regulations, and policies proposed to be adopted pursuant to this Order.

(c) Nothing in this Order shall be deemed to limit the authorities of the Director of Central Intelligence under the National Security Act of 1947, as amended, or the statutory authorities of the National Security Agency or the Defense Intelligence Agency. Implementation of this Order within the Intelligence Community, as defined in Executive Order No. 12333, shall be subject to the approval of the head of the affected agency.

**Sec. 7. Definitions.**

(a) This Order applies to all agencies of the Executive Branch.

(b) For purposes of this Order, the term "agency" means an Executive agency, as defined in 5 U.S.C. 105; the Uniformed Services, as defined in 5 U.S.C. 2101(3) (but excluding the armed forces as defined by 5 U.S.C. 2101(2)); or any other employing unit or authority of the Federal government, except the United States Postal Service, the Postal Rate Commission, and employing units or authorities in the Judicial and Legislative Branches.

(c) For purposes of this Order, the term "illegal drugs" means a controlled substance included in Schedule I or II, as defined by section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under chapter 13 of that Title. The term "illegal drugs" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

(d) For purposes of this Order, the term "employee in a sensitive position" refers to:

(1) An employee in a position that an agency head designates Special Sensitive, Critical-Sensitive, or Noncritical-Sensitive under Chapter 731 of the Federal Personnel Manual or an employee in a position that an agency head designates as sensitive in accordance with Executive Order No. 10450, as amended;

(2) An employee who has been granted access to classified information or may be granted access to classified information pursuant to a determination of trustworthiness by an agency head under Section 4 of Executive Order No. 12356;

(3) Individuals serving under Presidential appointments;

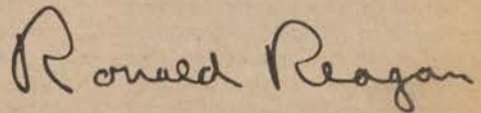
(4) Law enforcement officers as defined in 5 U.S.C. 8331(20); and

(5) Other positions that the agency head determines involve law enforcement, national security, the protection of life and property, public health or safety, or other functions requiring a high degree of trust and confidence.

(e) For purposes of this Order, the term "employee" means all persons appointed in the Civil Service as described in 5 U.S.C. 2105 (but excluding persons appointed in the armed services as defined in 5 U.S.C. 2102(2)).

(f) For purposes of this Order, the term "Employee Assistance Program" means agency-based counseling programs that offer assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health programs that affect employee job performance. Employee Assistance Programs are responsible for referring drug-using employees for rehabilitation and for monitoring employees' progress while in treatment.

**Sec. 8. Effective Date.** This Order is effective immediately.



THE WHITE HOUSE,  
September 15, 1986.

[FR Doc. 86-21166  
Filed 9-15-86; 3:47 pm]  
Billing code 3195-01-M

**Editorial note:** For the President's remarks of September 15 on signing EO 12564, see the *Weekly Compilation of Presidential Documents* (vol. 22, no. 38).

# Index and References

The following is a list of references cited in the text. The references are arranged in alphabetical order of the author's name. The list includes books, journal articles, and other publications. The references are as follows:

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# Rules and Regulations

Federal Register

Vol. 51, No. 180

Wednesday, September 17, 1986

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Part 247

#### Commodity Supplemental Food Program; Interim Rule

**AGENCY:** Food and Nutrition Service, Agriculture.

**ACTION:** Interim rule.

**SUMMARY:** This interim rule amends the Commodity Supplemental Food Program (CSFP) regulations to comply with the mandates of the Food Security Act of 1985 (Pub. L. 99-198). The rule establishes eligibility requirements for the participation of elderly persons in the CSFP and procedures whereby States with excess CSFP caseload for women, infants and children may request Departmental approval to convert the excess to serve the elderly. The rule also defines the procedures that will be used by the Food and Nutrition Service (FNS) to approve applications for program initiation and expansion. This rule is designed to ensure that available program appropriations are utilized to serve women, infants, children and the elderly where they are most needed and to the maximum extent that funding will allow.

**DATES:** Effective date: September 17, 1986. Comments must be received on or before February 1, 1987.

**ADDRESS:** Comments may be mailed to Patrick J. Clerkin, Director, Supplemental Food Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 407, Alexandria, Virginia 22302, (703) 756-3746.

**FOR FURTHER INFORMATION CONTACT:** Barbara Hallman, Branch Chief, Policy and Program Development Branch, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101

Park Center Drive, Room 407, Alexandria, Virginia 22302, during regular business hours (8:30 a.m. to 5:00 p.m.) Monday through Friday.

#### SUPPLEMENTARY INFORMATION:

##### Classification

This interim rule has been reviewed under Executive Order 12291, and has been determined to be *not major*. The Department does not anticipate that this rule will have an impact on the economy of \$100 million or more. This rule will not result in a major increase in costs or prices for consumers; individual industries; Federal, State or local government agencies; or geographic regions. Nor will this rule have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). Pursuant to that review, the Administrator of the Food and Nutrition Service has determined that this interim rule does not have a significant economic impact on a substantial number of small entities. The reporting requirements established in this rulemaking are under review by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Robert E. Leard, Administrator of the Food and Nutrition Service, has determined that in view of the need to implement this rule in a timely manner, public comment on the provisions and a post-publication waiting period prior to implementation are impracticable and contrary to the public interest, and, therefore, good cause exists for making this rule effective immediately upon promulgation. The provisions contained in this rule are pursuant to mandates of Pub. L. 99-198. This rulemaking requires that State agencies wanting to initiate or expand CSFP operations during the next "caseload cycle" (defined under (§ 247.2) submit their State Plans or Plan amendments within 30 days of publication of these regulations, that is, by October 17, 1986. Between receipt of Plans and amendments and anticipated commencement of the next caseload cycle on or about December 1, 1986, FNS

must: (1) complement this rulemaking with training and guidance, especially regarding commencement of service to the elderly; (2) review and approve Plans and amendments, including a specific determination of each State's ability to initiate or expand operations; (3) work with States to revise or augment their submissions, as appropriate; (4) aggregate the necessary data and apply regulatory allocation formulas; and (5) make formal caseload awards to States so that they, in turn, can assign caseload to their local agencies in a timely manner. A proposed rulemaking, or a waiting period following publication of this interim rule, would render it impossible to synchronize implementation with the State Plan submission/amendment process and caseload cycle, thus creating unnecessary technical problems and causing unjustifiable delays. However, the Department has exercised some discretion in implementing Pub. L. 99-198 and believes that the rule may be improved by public comment. Therefore, comments are solicited on this rule until February 1, 1987. All comments received will be analyzed, and any appropriate changes in the rule will be incorporated in the subsequent publication of a final rule.

This program is listed in the catalog of Federal Domestic Assistance under No. 10.565 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR 3015, Subpart V, and final rule related notice published June 24, 1983 (48 FR 29112)).

#### Background

On December 23, 1985 the President signed the Food Security Act of 1985 (Pub. L. 99-198). The law amends section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) to require the Secretary to (1) establish eligibility requirements for the expanded participation of elderly persons in the CSFP; (2) establish procedures to allow local agencies currently administering the CSFP to serve elderly persons as long as service levels for women, infants and children are not reduced; (3) protect the "existing caseloads" of the three established elderly feeding sites in Detroit, Michigan; New Orleans, Louisiana and Des Moines, Iowa and participation levels of the operating CSFP sites; and

(4) approve applications of additional sites for the program in areas in which the program does not operate, provided that funds for program initiation are available. In these regulations, the Department exercises discretion regarding the process that will be used in the allocation of caseload to newly approved CSFP State agencies. Regulatory procedures governing caseload allocation become necessary in order to (1) ensure that program expansion does not restrict service levels for currently operating CSFP sites and the three established elderly feeding sites, as mandated by law, and (2) institute orderly, organized, and publicly announced methods for States to compete for available funding for new programs.

Legislation to allow the provision of commodity supplemental foods to senior citizens was enacted on December 22, 1981. This legislation (Public Law 97-98) authorized the Secretary to establish two pilot projects designed to test the feasibility of providing USDA-purchased commodities to low-income elderly persons. The initial two projects began distribution of commodity food packages in September of 1982. A third pilot project was established in December 1982 as directed by Public Law 97-276. In accordance with Public Law 99-198, the "existing caseload" levels of these three elderly feeding sites are protected. The law directs the Secretary to allow the three sites to continue distribution of agricultural commodities to low-income elderly persons at not less than existing caseload levels, that is, the levels of project activity when Public Law 99-198 was enacted in December 1985. These caseload levels at the three established elderly feeding sites are to be distinguished from caseload subsequently assigned to these projects and future participation of the elderly at CSFP sites which (1) are approved to convert unused caseload originally allocated to serve women, infants and children to serve the elderly, and (2) receive additional caseload to serve the elderly. Such caseload, in contrast to the guaranteed caseload levels for the three projects, cannot be restricted to service for the elderly, but must also be available to women, infants, and children, who take precedence under the participant priority system.

In compliance with the mandates of section 5 of the Agriculture and Consumer Protection Act of 1973, as amended by Public Law 99-198, 7 CFR Part 247 Commodity Supplemental Food Program regulations are amended to make the following changes:

#### 1. Definitions (§ 247.2)

a. *Caseload*. A definition of "caseload" has been added in order to clearly distinguish it from participation. "Caseload" means the monthly average number of persons a State agency is authorized by FNS to serve over a specified period of time. The caseload assigned establishes a limit on the total number of food packages which can be provided during the specified period.

b. A definition of "caseload cycle" has been added in support of a shift in caseload assignment scheduling which will yield more predictability and regularity in the caseload assignment and management processes. The annual caseload cycle will begin the later of December 1, or a date not to exceed 30 days after enactment of appropriations legislation covering the full fiscal year, and end November 30. For a more detailed explanation of the caseload cycle, refer to Section 4 of this preamble.

c. The definition of "categorical ineligibility" has been expanded to include persons who do not meet the definition of "elderly persons."

d. *Elderly persons*. As indicated in the Background section of this preamble, elderly participation was originally established on a limited-term basis through pilot projects. Relatively few requirements were initially set in order to permit the experimentation appropriate to pilot projects and because Congress had not made a long-term commitment to elderly feeding under the CSFP. Now that Congress has, in Public Law 99-198, reauthorized these elderly feeding operations through Fiscal Year 1990, and provided for elderly feeding at other sites, it has accordingly mandated that the Secretary define low-income elderly persons to establish eligibility requirements for their participation. In its definition of "elderly persons," the Department has established a minimum age of 60 years as the basic eligibility requirement for program participation. This minimum age was selected because it is widely used by Federal food assistance programs which provide benefits to the elderly. It has been used as an eligibility criterion for program benefits under the three established elderly feeding sites since their inception.

e. *Homebound elderly persons*. "Homebound elderly persons" has been defined as persons who are, in the judgment of the local agency, unable to obtain monthly food packages without assistance provided by or through the local agency.

f. *Participants*. The current definition of "participants" has been expanded to include elderly persons.

#### 2. State agency plan of program operation and administration (§ 247.5)

##### a. Expansion/Initiation Request Timeframes (§ 247.5(a))

Section 247.5(a) has been amended to stress that requests to initiate or expand CSFP operations must be made through State Plans. These significant changes to a State's program should be subjected to the orderly intra-State consideration and FNS review and approval inherent in the State Plan process. The established due date of August 15 will apply to plans conveying such request, except for the caseload cycle beginning on or after December 1, 1986. States seeking to expand operations during this cycle must submit Plan amendments by October 17, 1986, and States seeking to initiate Program operations must submit their State Plans by that date. The established requirement that FNS approve complete State Plans and Plan amendments within 30 days of receipt will apply to all such requests. Only those plans which are approved by the beginning of the fiscal year, excepting Fiscal Year 1987, may compete for assignments in the next caseload cycle. Plans approved after this date will not compete for caseload until the following cycle unless sufficient resources become available in the meantime. States submitting Plans or Plan amendments for program initiation or expansion in the caseload cycle beginning on or after December 1, 1986, will be eligible only if their Plans or amendments are approved by December 1, 1986.

In approving a State Plan or amendment to initiate or expand program operations, FNS will specify the number of caseload slots it believes the State can use, and which the State has the administrative capacity to manage. This determination will be based on the content of the Plan or amendment, demographic data, past performance of the State agency, and other information which FNS considers relevant.

##### b. Commencing Service to Elderly Persons (§ 247.5(a))

Section 247.5(a) has been further amended to require all currently operating CSFP State agencies wishing to convert a portion of their caseload to serve elderly persons to submit requests to provide such service, in the form of State Plan amendments, not less than 90 days after the beginning of the caseload cycle for which the request is being made. The Department believes that a specified waiting period is necessary in order to ensure that State agencies allow their local agencies sufficient time during the caseload cycle in which

conversion is approved to meet the full level of demand of women, infants and children in the service area before the needs of the elderly are addressed.

Requests to convert excess caseload to elderly service are approved for one caseload cycle only. Disposition of conversion caseload during one cycle is reflected in basic caseloads (§ 247.10(a)(2)(ii)) assigned for the next cycle. As basic and expansion caseloads fluctuate from cycle to cycle, the appropriateness of caseload conversion must be newly assessed after caseloads have been assigned and demand has asserted itself during each caseload cycle.

Beginning September 17, 1986, the Department will accept requests to convert caseload to the elderly for the period preceding December 1, 1986, when new caseload assignments are scheduled to be made. FNS will expeditiously process all such requests.

New State Plan requirements have been added in § 247.5(a) (15) and (16) for CSFP State agencies which wish to request permission to serve elderly persons, either with converted caseload originally intended for women, infants and children, or with additional caseload assigned expressly for the elderly. All State agencies must document the existence of a low-income elderly population sufficient in number to justify their requests. They must also describe how they will accommodate the homebound elderly. In authorizing the original elderly feeding pilot projects, Congress stressed home delivery of food packages. The Department believes that the special needs of the homebound, who are less likely to participate in other social programs, should not be forgotten as service to the elderly expands under the CSFP.

In accordance with Pub. L. 99-198, local agencies currently administering the CSFP with excess caseload will be authorized to convert slots to elderly service to the extent that the demand for service to women, infants and children can still be met. Section 247.5(a)(16) requires that States requesting to convert caseload meet one additional State Plan requirement. They must demonstrate that the requested number of caseload slots can, in fact, be devoted to the elderly without restricting service to women, infants and children. The Department will require the submission of data, such as historical participation levels and other documentation, which demonstrates that needs of women, infants and children in the service area have been adequately addressed by the Program. This other documentation may include evidence of outreach efforts

such as community contacts, printed materials, media contacts and/or contacts made through public agencies which provide service to low-income women, infants and children.

#### c. State Plan Internal Clearance Procedures (§ 246.5)

Executive Order 12372, issued July 14, 1982, revoked OMB Circular A-95 and directed Federal agencies to grant State agencies greater discretion in managing their internal planning procedures and clearing the State Plans required under various Federal programs. Accordingly, a final rule of October 14, 1983 (48 FR 46731) removed from this section specific requirements concerning submission of the Plan to the Governor and related timeframes for internal comment. The current rulemaking further implements the executive order. Section 247.5(a) has been amended (1) to permit the State agency to submit a CSFP State Plan that has been consolidated with other federally required planning documents, and (2) to remove the requirement that the Chief Officer of the State agency sign the plan. The State may now designate the responsible official who is to sign the State Plan in accordance with its own internal clearance procedures.

#### 3. Certification (§ 247.7)

##### a. Establishment of Elderly Persons as a Categorically Eligible Population (§ 247.7(a))

The Department is amending § 247.7(a) to add elderly persons as a category eligible for program services. Persons certified for the first time on or after September 17, 1986, must have incomes at or below 130 percent of Federal Poverty Income Guidelines. Selecting this criterion for income eligibility represents an effort by the Department to concentrate benefits on the neediest, and income is the best index of need for this population. In accordance with § 247.7(a)(4), the State agency may require that all categories of eligible persons, including the elderly, undergo a nutritional risk assessment as part of the eligibility determination. Elderly persons who are certified before September 17, 1986, will be subject to the terms and conditions of participation in effect on the date of their certification.

##### b. Priority System (§ 247.7(b)(2))

The Department has expanded § 247.7(b)(2) to integrate elderly persons into the CSFP priority system. To ensure that women, infants, and children have prior access to program benefits, elderly persons have been placed below

women, infants, and children in the participant priority system, in a new Priority Level V. The expanded priority system must be applied by each State agency which has been approved to convert CSFP caseload to serve the elderly or has received caseload to serve the elderly at any site in addition to the levels of participation in December 1985 for the three established elderly feeding projects.

Important clarifications must be made regarding application of the participant priority system to elderly persons. With the exception of caseload equal to December 1985 participation levels of the three original elderly feeding projects, caseload made available to the elderly may not be reserved for them. Rather, such caseload represents a maximum number of slots that can be used to serve the elderly. Before all such slots have been filled, women, infants, children, and the elderly have equal access to them. Once these slots have been filled, women, infants, and children must be enrolled before elderly applicants in accordance with the participant priority system.

As indicated above, the participant priority system does not apply to caseload equalling December 1985 participation at the three original elderly projects; these minimum caseload levels are guaranteed in accordance with Pub. L. 99-198 to be available for the elderly through Fiscal Year 1990. This caseload must be reserved exclusively for service to the elderly, consistent with the intent of Pub. L. 99-198. Consider, for example, one of the three original elderly feeding projects which is the only site under the State's CSFP and has a protected elderly project caseload of 1,000. The State has received permission to convert up to 500 CSFP caseload slots, which were originally assigned for women, infants, and children, to elderly service. At this site, the priority system does not apply to elderly persons until elderly participation reaches 1,000. Thereafter, women, infants, and children and the elderly have equal access to the 500 conversion slots until total CSFP caseload is reached. Then the priority system is applied to conversion slots, giving precedence to women, infants, and children.

##### c. Certification Periods for Elderly Persons (§ 247.7(g)(1)(iii))

A maximum certification period of 6 months has been established for all elderly program participants certified on or after September 17, 1986. Although originally duration of participation was not limited at the three elderly feeding pilot projects, the Department believes

that certification periods have become necessary for future participants since elderly feeding under the CSFP has been significantly broadened in scope and reauthorized through Fiscal Year 1990. A periodic eligibility assessment for elderly certification is necessary to ensure that benefits are directed only to eligible persons. The Department has established the same certification period for the elderly as for all other participant categories (except pregnant women) to provide for a timely eligibility reassessment and to more quickly accommodate eligible women, infants, and children who are waiting to receive program benefits. Elderly persons certified before September 17, 1986, will be subject to the terms and conditions of participation in effect on the date of their certification.

Because the eligibility status of the elderly is not as subject to change as that of women, infants and children, the Department will allow State agencies to conduct a simple record review prior to the second and any subsequent even-numbered certifications to establish eligibility for continued program participation for elderly persons certified on or after September 17, 1986. Prior to the first and any subsequent odd-numbered certifications, a full eligibility assessment, based on newly submitted information, including income and, if applicable, residency and nutritional risk, will be required. With the exception of the protected caseload of the three original elderly feeding projects, elderly persons will be removed from the program at the end of their certification period in numbers sufficient to make room for any eligible women, infants, or children waiting to be served.

#### 4. Caseload allocation and administrative funding (§ 247.10)

##### a. Caseload Allocation (§ 247.10)

In the past, caseload assignments were intended and expected to coincide with the fiscal year. However, they seldom did, primarily because caseload assignment expectations were usually at variance with the timing of appropriations legislation. Thus assignment cycles were essentially unpredictable and frequently fragmented. In an effort to achieve less variable, more predictable assignment patterns, the caseload cycle will be changed from the fiscal year to the period December 1 through November 30, beginning December 1, 1986. (If, however, appropriations for a full fiscal year are not enacted by December 1, caseload will be assigned within 30 days of the date of enactment. In the interim,

previously assigned caseloads will remain in effect to the extent that funds are available. Any caseload assigned for a period after the end of the current fiscal year will be available contingent upon program appropriations for the following fiscal year.) This change increases the probability that appropriations legislation and caseload assignments can be coordinated in accordance with a schedule. It also permits the Department to more precisely ascertain the amount of any funds unspent in the previous fiscal year before assigning caseload for the next cycle. Thus the probability of full utilization of available funds increases.

Section 1562 of Pub. L. 99-198 directs the Secretary to approve applications of additional sites for the CSFP in areas in which the program does not operate to the full extent possible within the available program appropriations for each fiscal year and without reducing actual participation levels in areas in which the program already operates. In addition, section 1562 directs the Secretary to allow the three established elderly feeding sites to continue distribution of commodities to elderly persons at not less than existing caseload levels. In accordance with these provisions, the Department has established the following order of funding to ensure (1) full utilization of program appropriations and (2) assignment of caseload to expand or initiate operations where it is most needed.

First in the order of funding, caseload will be provided to the State agencies for the three established elderly feeding sites, in Detroit, Michigan; New Orleans, Louisiana; and Des Moines, Iowa, equal to the December 1985 participation level at each site. Then, caseload will be provided to currently participating CSFP State agencies to support actual participation levels of women, infants, and children. Next, caseload will be assigned in support of elderly participation in addition to the caseload equal to the December 1985 level of participation at the three original elderly feeding projects.

Actual participation in these instances will be defined as the greater of September participation of women, infant and children or the elderly, or average monthly participation for the period July through September (except that caseload will be assigned to the three projects at the guaranteed levels independent of their actual current participation). However, the Department is making an exception to this procedure for assigning basic caseloads for service to women, infants, children, and the

elderly for the caseload cycle beginning on or after December 1, 1986 only. This exception is based on unusual circumstances that are not all likely to recur.

On July 1, 1986, State agencies administering the three elderly feeding projects in Detroit, New Orleans, and Des Moines received large caseload increases, and on July 18, 1986, significant additional caseloads were assigned to State agencies for expanded service to women, infants, and children. These actions resulted from a major unexpected influx of program funds very late in the fiscal year.

The Department believes that the States will fill these slots if they are given a reasonable amount of time. However, if the regulatory formula for establishing basic caseload were applied for the next caseload cycle, States' ability to utilize major resource increases would be unfairly judged by their performance over a period of less than three months. Application of the newly developed regulatory formula for awarding expansion caseload would render it impossible in many instances to reassign all of the caseload so recently assigned in the same amounts to the same States. Thus, States which acted responsibly and skillfully to use their newly acquired caseload, but were not fully successful due to the short time period, may nonetheless be penalized for their efforts with caseload cuts in the next cycle.

In order to prevent this inequity, the Department has stipulated that, only for the caseload cycle beginning on or after December 1, 1986, it will include in States' basic caseload awards (§ 247.10(a)(2)(ii)) all caseload assigned during Fiscal Year 1986, even if that caseload had not been fully utilized by the end of the fiscal year.

Any remaining program resources will be made available for program expansion and initiation in the following sequence: (1) for expansion to women, infants and children under participating CSFP State agencies, (2) for initiation and expansion of elderly service under participating CSFP State agencies, and (3) for the initiation of CSFP operations in additional States.

Caseload will be provided for expansion of existing programs as justified in State plan requests. Although the law does not specifically address expansion of existing programs, the Department believes that such expansion has a primary claim on program resources. Every effort must be made to use these resources as efficiently as possible. Existing programs, with well-established CSFP

administrative structures and a skill in program management that can only be developed through experience, can more efficiently deliver program benefits than newly established programs. Therefore, program expansion under existing State agencies takes precedence over initiating the program in additional States.

A system has been developed to ensure that expansion caseload for women, infants and children is allocated where it is most needed. All States requesting additional caseload for this purpose will be ranked according to the extent to which their Federal program resources permit them to penetrate their income-eligible populations. That is, States will be ranked based on their potential to serve, under the Special Supplemental Food Program for Women, Infants and Children (WIC) and the CSFP, categorically eligible women, infants and children up to the age of 5 at

or below the current income guidelines for reduced-price meals under Section 9 of the National School Lunch Act. (Currently, the limit is 185 percent of the Poverty Income Guidelines).

The maximum expansion caseload which the State with the lowest potential to penetrate its income-eligible population can receive will equal the amount of caseload necessary to bring its penetration potential up to the penetration potential of the next State agency in the ranked order. To the extent that funds are available, each State will receive the lesser of (1) the formulaic maximum for which it is eligible or (2) the amount of expansion caseload FNS has determined that the State agency can manage effectively. To the extent that funds are available, States will receive expansion caseload in their ranked order. If funds are not sufficient to provide all applicant States their appropriate expansion caseload,

States participating in the final round of allocations will receive assignments enabling them to achieve the same level of penetration. In no case will a State be awarded caseload in excess of its request.

The Department will use income eligibility as the sole basis to approximate the eligible population level in each State because sufficiently accurate data necessary to use nutrition risk as an additional basis for such determination is not available at this time. The following illustrates the process of assigning caseload for expansion. In order to more clearly exemplify the formulaic aspects of the assignment process, the illustration is based on the assumption that all applicant States have requested, and have been approved to receive, the maximum expansion caseload for which they are eligible.

CASELOAD TO ASSIGN: 2564

State	Income eligible population	WIC/CSFP Federal resources can serve	Percent potential penetration	Caseload Assignment							
				Round 1		Round 2		Round 3		Round 4 <sup>1</sup>	
				Caseload	Penetration Potential (percent)	Caseload	Penetration potential (percent)	Caseload	Penetration potential (percent)	Caseload	Penetration potential (percent)
A	1000	225	23	80	31	90	40	290	69	102	79
B	750	230	31			66	40	218	69	77	79
C	3000	1200	40					870	69	308	79
D	4500	3100	69							461	79
E	4000	3200	80								
			Cumulative caseload awarded	80		238		1616		2564	

<sup>1</sup> Based on the number of slots (948) which remained available for allocation after Round 3, only States A, B, and C would have received sufficient caseload to bring their penetration up to the 80-percent level of State E. State D would only have received enough caseload to bring its penetration up to 78 percent before all of the available slots (2564) were assigned. Therefore, Round 4 represents an adjustment to the caseload allocation method. The adjustment enables each State allocated caseload to receive an equal share relative to its potential for penetration into the income-eligible population. All States participating in Round 4 can achieve 70-percent penetration.

Any caseload remaining for initiation or expansion of service to the elderly will be made available in equal shares to all States whose State Plans, containing requests for elderly initiation or expansion caseload, are approved by the beginning of each fiscal year. If any States' shares exceed their caseload requests, the excess will be divided equally among States whose requests exceed their shares.

In order to promote full utilization of available funds, only States whose participation of women, infants, and children for September or for the period July through September equals at least 90 percent of their CSFP caseload, minus any portion of such caseload approved for conversion, for the caseload cycle encompassing these months will be

eligible to compete for additional caseload for women, infants and children to expand operations in the following caseload cycle. The Department believes that caseload for program expansion should be allocated only to States which have clearly demonstrated the ability to effectively utilize their assigned caseload. This same limit will be applied with regard to utilization of caseload made available for service to the elderly, including conversion slots. Thus, existing State agencies will be eligible to receive additional caseload to serve the elderly only if the 90-percent requirement is satisfied. In order to provide States adequate opportunity to comply with the 90-percent requirement, these expansion limits will be implemented beginning with expansion requests for the

caseload cycle starting on or after December 1, 1987.

Caseload remaining after *expansion* requests have been addressed will be allocated to State agencies seeking to *initiate* the program. These States will be ranked according to their potential to serve the income-eligible population through the WIC Program, based on Federal resources provided under WIC. Then caseload will be assigned to them using the same procedure (discussed above) applied to existing programs seeking to expand service to women, infants and children. During their first 12 months of operation, these States will not be eligible to convert caseload to the service of the elderly so that the population of women, infants, and children will first be able to reach its full level of demand.

**b. Administrative Funding (§ 247.10(b))**

Provisions governing administrative funding are reorganized for greater clarity and ease of reference. Only two substantive changes occur. First, § 247.10(b)(2) establishes that each State's share of 15 percent of the total appropriation, which is set aside for program administration, will be proportionate to the State's share of the total caseload assigned. Administrative funding cannot be based solely on a State's participation levels, as specified in past regulations, because that approach would not provide adequate administrative resources to support newly established opportunities for program expansion. The second change is the addition of a statement that whatever caseload may be recovered by FNS during the fiscal year will be reallocated in accordance with the order of funding established under § 247.10(a).

**List of Subjects in 7 CFR Part 247**

Agricultural commodities, Food assistance programs, Maternal and child health, Infants and children, Public assistance programs, Nutrition, Women, Commodity Supplemental Food Program.

Accordingly, 7 CFR Part 247 is amended as follows:

**PART 247—COMMODITY SUPPLEMENTAL FOOD PROGRAM**

1. The authority citation for Part 247 continues to read as follows:

**Authority:** Sec. 5, Pub. L. 93-86, 87 Stat. 249, as added by Sec. 1304(b)(2), Pub. L. 95-113, 91 Stat. 980 (7 U.S.C. 612c note); sec. 1335, Pub. L. 97-98, 95 Stat. 1293 (7 U.S.C. 612c note); sec. 209, Pub. L. 98-8, 97 Stat. 35 (7 U.S.C. 612c note); sec. 2(8), Pub. L. 98-92, 97 Stat. 611 (7 U.S.C. 612c note); sec. 1562, Pub. L. 99-198, 99 Stat. 1590 (7 U.S.C. 612c note).

2. In § 247.2, the definitions of "Caseload", "Caseload cycle", "Homebound Elderly" and "Elderly persons" are added in alphabetical order, and the definitions of "Categorical ineligibility" and "Participants" are revised. The revisions and additions read as follows:

**§ 247.2 Definitions.**

"Caseload" means the monthly average number of persons a State agency is authorized by FNS to serve over a specified period of time.

"Caseload cycle" means the period beginning with the later of (1) each December 1 or (2) a date not to exceed 30 days after enactment of appropriations legislation for the full

fiscal year, and ending each November 30.

"Categorical ineligibility" means persons who do not meet the definition of pregnant women, breastfeeding women, postpartum women, infants, children, or elderly persons.

"Elderly persons" means persons 60 years of age or older.

"Homebound elderly persons" means persons who are, in the judgment of the local agency, unable to obtain monthly food packages without assistance provided by or through the local agency.

"Participants" means pregnant women, breastfeeding women, postpartum women, infants, children and elderly persons who are receiving supplemental foods under the Program.

3. In § 247.5, introductory paragraph (a) is revised, two new paragraphs (a)(15) and (a)(16) are added, and paragraph (c) is revised.

**§ 247.5 State agency plan of program operation and administration.**

(a) *Requirements.* State applications to continue or initiate program operations and requests for additional caseload to expand service to women, infants, children, and elderly persons shall be made through State Plan submissions. By August 15 of each year, the State agency shall submit to FNS for approval a State Plan for the following fiscal year, except that States seeking to initiate program operations during the caseload cycle beginning on or after December 1, 1986, shall submit State Plans by October 17, 1986. Currently participating State agencies requesting additional caseload to expand services during the caseload cycle beginning on or after December 1, 1986, shall submit State Plan amendments by October 17, 1986. State agencies whose Plans are approved by the beginning of the fiscal year shall be eligible to commence program operations or receive caseload increases at the beginning of the first caseload cycle to commence after that date, except that States seeking to initiate or expand operations during the caseload cycle beginning on or after December 1, 1986, shall be eligible if their plans or amendments are approved by December 1, 1986. Plans or Plan amendments to initiate or expand operations which are approved after these dates may be considered for caseload assignment prior to the first caseload cycle to commence after that date only in the event that additional

resources become available.

Participating State agencies may request permission through a State Plan amendment to convert unused CSFP caseload to serve elderly persons. This amendment may be submitted not less than 90 days after the State agency has been assigned its caseload. Approval to convert caseload shall be effective only during the caseload cycle for which the request is made. The State agency may submit the State Plan in the format provided by FNS guidance.

Alternatively, the State agency may submit the Plan in combination with other federally required planning documents or develop its own format, provided that the information required below is included. FNS requests advance notification that a State agency intends to use an alternative format. The State Plan and all amendments shall be signed by the State-designated official responsible for ensuring that the program is operated in accordance with the State Plan. FNS shall provide written approval or denial of a completed State Plan or amendment within 30 days of receipt. Within 15 days after FNS receives an incomplete submission, FNS shall notify the State agency that additional information is needed to complete the Plan. Any disapproval shall be accompanied by a statement of the reasons for the disapproval. Approval of the Plan by FNS is a prerequisite to the assignment of caseload and payment of funds for administration to the State agency. Portions of the State Plan which do not change from year to year need not be resubmitted. However, the State agency shall provide the title of the section(s) that remain unchanged, as well as the year of the last Plan in which the section was submitted. The State Plan shall provide the following:

(15) If a State agency wishes to serve elderly persons, a description of plans for providing program benefits to elderly persons within the State during the caseload cycle. Such description shall include—

(i) An identification of the elderly population to be served, including documentation of the extent of need in the proposed service area. Demographic statistics concerning the target population shall be included as part of the required documentation; and

(ii) A description of how the State agency will meet the needs of the homebound elderly.

(16) A State agency requesting permission to convert unused caseload slots to serve the elderly shall, in addition to the requirements under

paragraph (a)(15) of this section, provide assurance that sufficient caseload is available to serve elderly persons without restricting service levels for women, infants, and children, including data such as historical participation levels and other documentation which demonstrates that the program needs of women, infants, and children in the service area are being met. Such other documentation may include evidence of outreach efforts conducted by the State and/or local agency to recruit women, infants, and children.

(c) *Amendments.* Except as provided in paragraph (a) of this section, the State agency may amend the State Plan at any time. The State agency shall submit the amendments to FNS for approval.

4. In § 247.7, paragraphs (a)(1) and (a)(2) are revised, paragraphs (a)(3) and (a)(4) are redesignated as paragraphs (a)(4) and (a)(5), and a new paragraph (a)(3) is added; introductory paragraph (b)(2) and paragraphs (b)(2)(i) through (b)(2)(iv) are revised, a new paragraph (b)(2)(v) is added, and paragraph (g) is revised.

#### § 247.7 Certification.

(a) \* \* \*

(1) Categorical eligibility as an infant, child, pregnant, postpartum or breastfeeding woman, or elderly person;

(2) For women, infants and children, income eligibility for local benefits under existing Federal, State or local food, health or welfare programs for low-income persons;

(3) For elderly persons certified on or after September 17, 1986, household income at or below 130 percent of the Federal Poverty Income Guidelines published annually by the Department of Health and Human Services. Elderly persons certified before September 17, 1986, shall be subject to the terms and conditions in effect on the date of their certification.

(b) \* \* \*

(2) The following priorities based on categorical eligibility shall be applied when vacancies occur after the local agency has filled all caseload except that these priorities shall not apply to the minimum guaranteed caseload assigned under § 247.10(a)(2)(i).

(i) *Priority I.* Pregnant women, breastfeeding women and infants.

(ii) *Priority II.* Children ages 1 through 3.

(iii) *Priority III.* Children ages 4 through 5.

(iv) *Priority IV.* Postpartum women.

(v) *Priority V.* Elderly persons.

(g) *Certification periods.* (1) Program benefits shall be based upon certifications established in accordance with the following time frames.

(i) Pregnant women shall be certified for the duration of their pregnancy and for up to six weeks postpartum;

(ii) Postpartum and breastfeeding women, infants and children shall be certified at intervals prescribed by the State agency, provided such intervals do not exceed 6 months in length; and

(iii) Elderly persons, except those certified before September 17, 1986, shall be certified at intervals prescribed by the State agency, provided such intervals do not exceed six months in length. The initial and any subsequent odd-numbered certifications of elderly persons first certified on or after September 17, 1986, shall be based on an assessment of newly submitted information for all applicable eligibility requirements, except that age need be established only at the first certification. The second and any subsequent even-numbered certifications of such persons may be based on a review of the existent record which confirms continued eligibility.

(iv) Elderly persons certified before September 17, 1986, shall be subject to the terms and conditions in effect on the date of their certification.

(2) Program benefits may be continued until the end of the month in which categorical ineligibility begins, for example, until the end of the month in which a child reaches its sixth birthday.

5. Section 247.10 is revised to read as follows:

#### § 247.10 Caseload assignment and administrative funding.

(a) *State agency caseload assignment.*

(1) FNS shall assign caseload to State agencies on December 1 of each year or within 30 days after enactment of appropriations legislation covering the full fiscal year, whichever comes later. In the event appropriations legislation for the year is not enacted by December 1, caseload assignments for the previous caseload cycle shall remain in effect, subject to the availability of sufficient funding, until assignments are made for the current caseload cycle. Any caseload assigned for a period beyond the end of the current fiscal year shall be available only to the extent that program funds are appropriated for the next fiscal year.

(2) To the extent that funds are available, FNS shall assign caseload to State agencies in the following order.

(i) State agencies for the three elderly feeding projects in Detroit, New Orleans, and Des Moines shall be assigned caseload equal to the level of participation for each project in December 1985 except that all caseload assigned during Fiscal Year 1986 shall be reassigned for use during the caseload cycle beginning on or after December 1, 1986.

(ii) Currently participating State agencies shall receive caseload in amounts equal to the greater of their participation of, first, women, infants, children, and then elderly persons (except for caseload equal to the December 1985 level of participation at the three original elderly feeding projects) during September or average monthly participation for the period July through September, except that all caseload assigned during Fiscal Year 1986 shall be reassigned for use during the caseload cycle beginning on or after December 1, 1986.

(iii) Requests from currently participating State agencies to expand service to women, infants, and children shall be addressed in the following manner.

(A) Beginning with the caseload cycle which commences on or after December 1, 1987, States shall be eligible to request expansion caseload only if, during September or the period July through September, their participation of women, infants, and children equaled at least 90 percent of their assigned caseload level for women, infants, and children, minus and portion of such caseload approved for conversion to serve the elderly, for the caseload cycle encompassing those months. Prior to commencement of this caseload cycle, States' requests shall not be subject to this restriction.

(B) States with timely approved State Plans incorporating such requests shall be ranked based on the extent of their capacity to serve through WIC and the CSFP, as established by the Federal program resources available to them, their categorically eligible populations which meet the income guidelines for reduced-price meals under the National School Lunch Program. The State with the lowest potential penetration shall be ranked first.

(C) The State with the lowest potential penetration shall be allocated the lesser of sufficient caseload to achieve the same level of penetration as the second-ranked State, or the level of caseload approved by FNS. This process shall be repeated as funds permit until all States' approved levels have been assigned. If funds are not sufficient to assign the lesser of approved caseload

level and sufficient caseload to achieve the penetration potential of the next-ranked State to all applicant States, States participating in the final round of allocations shall receive assignments enabling them all to achieve the lesser of the same level of penetration or their approved levels.

(iv) Requests from currently participating State agencies to initiate or expand service to elderly persons shall be addressed in the following manner:

(A) Beginning with the caseload cycle which commences on or after December 1, 1987, States shall be eligible to request expansion caseload only if, during September or the period July through September, their participation equalled at least 90 percent of the caseload available for service to the elderly, including conversion slots, for the caseload cycle encompassing those months. Prior to commencement of this caseload cycle, States' requests shall not be subject to this restriction.

(B) Caseload shall be available in equal shares to all State agencies with timely approved State Plans incorporating requests to initiate or expand service to the elderly.

(C) If any States' shares exceed their approved requests, the excess caseload shall be divided equally among States whose approved requests exceed their shares.

(v) Requests from State agencies to initiate program services for women, infants, and children shall be addressed in the following manner:

(A) States with timely approved State Plans incorporating requests for program initiation shall be ranked based on the extent of their capacity to serve through WIC, as established by the Federal WIC resources available to them, their potentially eligible populations which meet the income guidelines for reduced-price meals under the National School Lunch Program. The State with the lowest potential penetration shall be ranked first.

(B) The State with the lowest potential penetration shall be allocated the lesser of sufficient caseload to achieve the same level of penetration as the second-ranked State, or the level of caseload approved by FNS. This process shall be repeated as funds permit until all States' approved levels have been assigned. If funds are not sufficient to assign the lesser of approved caseload level and sufficient caseload to achieve the penetration potential of the next-ranked State to all applicant States, States participating in the final round of allocations shall receive assignments enabling them all to achieve the lesser of the same level of penetration or their approved level.

(3) State agencies may request permission from FNS to convert specific numbers of excess caseload slots allocated under paragraph (a)(2)(ii) of this section to the service of elderly persons, subject to the time frames specified in § 247.5(a).

(4) State agencies which have received caseload under paragraph (a)(2)(v) of this section shall not be eligible during their first 12 months of operation to convert caseload to the service of elderly persons under paragraph (a)(3) of this section.

(5) Caseload made available to elderly persons under paragraphs (a)(2)(i) except caseload equal to the level of participation of elderly persons in December 1985, paragraphs (a)(2)(ii), (a)(2)(iv), and (a)(3) of this section may not be reserved exclusively for elderly persons, but shall be made equally available to women, infants, children, and elderly persons until all caseload available to the local agency, except caseload equal to December 1985 participation as referenced in paragraph (a)(2)(i) of this section, has been filled. At that time, the priority system under § 247.7(b)(2) shall be applied.

(b) *Administrative funding.* This subsection provides the policies and procedures for payment by FNS of funds for administrative costs to participating State agencies and disbursement by State agencies to local agencies. Funds shall be paid to State agencies as specified in § 247.9, Financial Management Systems. As a prerequisite to the receipt of such funds each fiscal year, the State agency shall have executed a written agreement with the Department and shall have received FNS approval of its State Plan.

(1) Funds for total State administrative costs for each fiscal year shall be allocated by FNS based on 15 percent of the sum of the annual appropriation for the Program and the value of commodities provided without charge or credit by the Department to States and distributed by local agencies as part of, and in addition to, the food package.

(2) From the portion of program funds equal to 15 percent of the annual appropriation, each State shall receive an administrative grant proportionate to its share of the total caseload assigned. Each State agency shall receive its share of this funding on a quarterly basis.

(3) In addition to the funding provided under paragraph (b)(2) of this section, States shall receive administrative funding to support distribution of commodities provided without charge or credit by the Department to States and distributed as part of, and in addition to, the program food package. Prior to the

beginning of each fiscal year, FNS shall estimate the value of such commodities expected to be distributed to participants by local agencies in each State during the fiscal year. Fifteen percent of this estimated amount shall be provided to each State agency. Funds provided under this paragraph shall be identified and accounted for by FNS separately from funds provided under paragraph (b)(2) of this section. After the end of the fiscal year, FNS shall compute the actual value of such commodities reported as distributed to participants by local agencies in each State. Unit values of such commodities shall be provided by the Agricultural Stabilization and Conservation Service. FNS shall make whatever adjustments are necessary to ensure that each State agency has received administrative funding equal to 15 percent of the value of such commodities reported as distributed to participants by its local agencies during the fiscal year.

(4) To ensure that State agencies can properly budget for program operations, FNS guarantees that 75 percent of the administrative funding provided to each State under paragraph (b)(2) of this section will be protected from recoveries during the current fiscal year.

(5) The State agency may retain a percentage of administrative funding for State level use, based on the following formula: 15 percent of the first \$50,000; plus 10 percent of the next \$100,000; plus 5 percent of the next \$250,000. The State may retain a maximum amount of \$30,000 annually for its administrative expenditures. However, if the State agency provides warehousing services, FNS approval may be requested at the beginning of the applicable fiscal year for funds greater than those allowed under the formula; provided, that State agency can document the need and ensure that the increase will not impose undue hardship on local agencies. The remaining funds and any unused funds at the State level shall be distributed to the local agencies.

(6) The State agency, in providing administrative funds to local agencies, shall apportion such funds among the local agencies on the basis of their respective needs so as to ensure that those local agencies evidencing higher administrative costs, while demonstrating prudent management and fiscal controls, receive a greater portion of the administrative funds.

(c) *Relocation.* FNS reserves the right to periodically recover and redistribute unused caseload slots and unspent administrative funds (subject to the limitation in paragraph (b)(4) of this section). In the event that caseload slots

are recovered, they shall be allocated in accordance with the order of funding established in § 247.10(a)(2).

Dated: September 11, 1986.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 86-21046 Filed 9-16-86; 8:45 am]

BILLING CODE 3410-30-M

## Federal Crop Insurance Corporation

7 CFR Parts 402, 403, 409, 410, 411, 413-433, and 435-451

[Docket No. 0096A]

### General Amendment; Various Crop Insurance Regulations; Annual Premium; Interest Rate Charge; Correction

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Final rule. Correction.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) published a final rule in the Federal Register on Friday, August 15, 1986, at 51 FR 29204, amending all regulations (7 CFR Part 402, *et seq.*). In that publication the citation for Combined Crop and Prevented Planting Crop Insurance Regulations were incorrectly cited. This notice is published to correct that error.

**ADDRESS:** Written comments on this correction may be sent to the Office of the Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, DC 20250.

**FOR FURTHER INFORMATION CONTACT:** Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447-3325.

**SUPPLEMENTARY INFORMATION:** FR Doc No. 86-18432, appearing at page 29204, is corrected as follows:

1. On page 29204, third column, last paragraph, seventh line, "426.3(d)5.b." should read "426.7(b)3.b.".

2. On the same page, same column and paragraph, twelfth line, "442.7(d)5.b." should read "442.7(c)5.b.".

Done in Washington, DC, on September 5, 1986.

E. Ray Fosse,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 86-20921 Filed 9-16-86; 8:45 am]

BILLING CODE 3410-08-M

## Food Safety and Inspection Service

### 9 CFR Part 327

[Docket No. 85-027F]

### Imported Product; Withdrawal of Nicaragua From the List of Countries Eligible for Importation of Meat Products

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** On May 9, 1986, the Food Safety and Inspection Service (FSIS) published a proposed rule to withdraw the country of Nicaragua from the list of countries eligible for importation of their products of cattle, sheep, swine and goats into the United States under the Federal Meat Inspection Act (FMIA). The FMIA requires that, for a country to be eligible to export meat products to the United States, the meat inspection system of the foreign country must assure compliance with requirements that are at least "equal to" the requirements of the FMIA and regulations as applied to official establishments and their products in the United States. FSIS has been unable to obtain current information concerning the meat inspection system of Nicaragua, and, consequently, the Administrator of FSIS cannot make the determinations necessary for maintenance of eligibility.

No comments were received on the proposed rule. Therefore, FSIS is withdrawing the country of Nicaragua from the list of countries eligible for importation of their meat products into the United States.

**EFFECTIVE DATE:** October 17, 1986.

**FOR FURTHER INFORMATION CONTACT:** William Havlik, Director, Foreign Programs Division, International Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-2644.

### SUPPLEMENTARY INFORMATION:

#### Executive Order 12291 and Effect on Small Entities

The Administrator of the Food Safety and Inspection Service has determined that this final rule is not a major rule under Executive Order 12291, because imports of products of Nicaraguan origin are currently prohibited by Executive Order 12513, issued May 1, 1985, and of indefinite duration. As a result, there are currently no domestic importers of Nicaraguan meat products. The Administrator has also determined that his final rule will have no impact on

small entities for the reason stated above.

### Background

On May 9, 1986, FSIS published in the Federal Register (51 FR 17196) a proposed rule to withdraw the country of Nicaragua from the list of countries eligible to have their cattle, sheep, swine and goat products imported into the United States under the FMIA (21 U.S.C. 601 *et seq.*). Under the FMIA, the Secretary of Agriculture is responsible for administering the programs which are designed to ensure that meat and meat food products distributed to consumers are wholesome, not adulterated, and are properly marked, labeled and packaged (21 U.S.C. 602). The Secretary has delegated to the Administrator of the Food Safety and Inspection Service the authority to issue regulations and implement appropriate procedures to ensure compliance with the requirements of the FMIA. The regulations addressing imported meat products are in 9 CFR Part 327. In these regulations, the Administrator has established procedures by which foreign countries desiring to establish eligibility for importation of their products into the United States may do so (9 CFR 327.2(a)(2)(iii)).

Maintenance of eligibility depends on the results of periodic reviews of the foreign meat inspection system in operation by a USDA representative and the timely submission of relevant documentation and other information so that the Administrator can make the required determinations as to eligibility status (9 CFR 327.2(a)(2)(iii)).

The Administrator has authority to withdraw the listing of a foreign country from those eligible for importation of its products into the United States under § 327.2 of the Federal meat inspection regulations (9 CFR 327.2(a)(4)).

\* \* \* Whenever it shall be determined by the Administrator \* \* \* that, for lack of current information concerning the system of meat inspection being maintained by such foreign country, such foreign country should be required to reestablish its eligibility for listing.

The proposal to delist Nicaragua was based on a determination that the safety of FSIS personnel traveling in Nicaragua cannot be assured. FSIS' policy is that it will not require such travel of its employees. Consequently, current information concerning the meat inspection system of Nicaragua cannot be obtained, and there is no adequate basis on which to determine that Nicaragua's meat inspection system is assuring that at least "equal to" requirements are being met. Therefore,

Nicaragua's eligibility for importation of meat products into the United States can no longer be supported.

#### Comments on the Proposed Rule

FSIS did not receive any comments in response to the proposed rule.

#### Final Rule

After careful consideration of all relevant information available to FSIS, the Administrator has determined that the proposed rule should be published as a permanent regulation as set forth below.

#### List of Subjects in 9 CFR Part 327

Imported products, Meat inspection.

#### PART 327—[AMENDED]

1. The authority citation for Part 327 is revised to read as follows:

**Authority:** 34 Stat. 1280, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*

2. Paragraph (b) of § 327.2 of the Federal meat inspection regulations is amended by removing the following country from the list of countries eligible for importation of products of cattle, sheep, swine, and goats into the United States:

Nicaragua

Done at Washington, DC, on: September 12, 1986.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 86-20927 Filed 9-16-86; 8:45 am]

BILLING CODE 3410-DM-M

#### NUCLEAR REGULATORY COMMISSION

#### 10 CFR Part 50

#### Emergency Planning—Medical Services

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Statement of Policy on Emergency Planning Standard 10 CFR 50.47(b)(12).

**SUMMARY:** The Nuclear Regulatory Commission ("NRC" or "Commission") believes that 10 CFR 50.47(b)(12) ("planning standard (b)(12)") requires pre-accident arrangements for medical services (beyond the maintenance of a list of treatment facilities) for individuals who might be severely exposed to dangerous levels of offsite radiation following an accident at a nuclear power plant. While concluding that planning standard (b)(12) requires

such additional arrangements, the Commission leaves to the informed judgment of the NRC staff, subject to general guidance from the Commission, the exact parameters of the minimally necessary arrangements for medical services. To fulfill this mandate the staff (and FEMA) will issue appropriate guidance to licensees, applicants, and state and local governments.

The United States Court of Appeals for the District of Columbia ("Court") vacated and remanded a previous Commission interpretation of planning standard (b)(12) which required only the development and maintenance of a list of treatment facilities on which post-event, *ad hoc* arrangements for medical treatment could be based. *GUARD v. NRC*, 753 F.2d 1144 (D.C. Cir. 1985). Pending final Commission action in response to the *GUARD* remand, the Commission issued a statement of interim guidance which permitted, pursuant to 10 CFR 50.47(c)(1), the issuance of full power licenses where the applicant satisfied the requirements of planning standard (b)(12) as interpreted by the Commission prior to *GUARD*, and where the applicant committed to full compliance with the Commission's final response to the *GUARD* remand. The Commission's prior interim guidance will continue to govern the issuance of full power licenses until issuance and implementation of the NRC staff's specific guidance on this matter, at which point the new policy will apply.

**EFFECTIVE DATE:** September 17, 1986.

**FOR FURTHER INFORMATION CONTACT:** C. Sebastian Aloit, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (202) 634-3224.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

In the wake of the Three Mile Island accident in 1979, the Nuclear Regulatory Commission ("NRC" or "Commission") promulgated regulations requiring its licensees and applicants for licenses to operate commercial nuclear power reactors to develop plans for emergency responses to accidents at their facilities. Among those requirements was 10 CFR 50.47(b)(12) ("planning standard (b)(12)"), which provides:

(b) The onsite and offsite emergency response plan for nuclear power reactors must meet the following standards:  
(12) Arrangements are made for medical services for contaminated injured individuals.

In *Southern California Edison Company, et al.* (San Onofre Nuclear Generating Station, Units 2 and 3), CLI-83-10, 17 NRC 528 (1983) ("SONGS")

decision"), the Commission itself faced for the first time the question whether planning standard (b)(12) applied to members of the public who were exposed to offsite radiation following an accident at a nuclear power facility but were not otherwise injured, and if so to what extent. In considering this question, the Commission sought the views of the parties in the SONGS proceeding, reviewed the principal purposes of the planning standard, analyzed the likelihood of serious exposures to the public requiring emergency medical treatment, and evaluated the type of emergency treatment likely to be required. Based on this review, the Commission concluded as a generic matter that: (1) Planning standard (b)(12) applied to individuals both onsite and offsite; (2) "contaminated injured individuals" was intended to include seriously irradiated members of the public as well as members of the public who are not seriously irradiated but also are traumatically injured from other causes and radiologically contaminated; and (3) Adequate, post-accident arrangements for necessary medical treatment of exposed members of the public could be made on an *ad hoc* basis if emergency plans contained a list of local treatment facilities.

On appeal, the United States Court of Appeals for the D.C. Circuit concluded that the Commission had not reasonably interpreted planning standard (b)(12) when it generically found that a pre-accident list of treatment facilities constituted "arrangements" for post-accident medical treatment. *GUARD v. NRC*, 753 F.2d 1144 (D.C. Cir. 1985). For this reason, the Court vacated and remanded that part of the Commission's SONGS decision that had interpreted planning standard (b)(12) to require only the preparation of a list of local treatment facilities. However, in doing so, the Court made clear that the Commission had on remand, in its sound discretion, flexibility in fashioning a reasonable interpretation of planning standard (b)(12).

##### II. Arrangements Beyond A List Of Treatment Facilities Required

When originally faced with the question whether the phrase "contaminated injured individuals" was intended to encompass, *inter alia*, members of the public who, as a result of an accident, were exposed to dangerous levels of radiation, the Commission found no explicit and conclusive definition of the phrase in the regulation itself or its underlying documents. Nonetheless, the

Commission concluded that the prudent risk reduction purpose of the Commission's regulations required interpreting planning standard (b)(12) to apply to such offsite exposed individuals, given the underlying assumption of the NRC's emergency planning regulations that a serious accident could occur and the Commission presumption that such an accident could result in offsite individuals being exposed to dangerous levels of radiation (a presumption concurred in by the Federal Emergency Management Agency). After reconsideration of this matter following the *GUARD* decision, the Commission has decided to re-affirm this prior interpretation of planning standard (b)(12).

However, the Commission has come to a different result with respect to the minimum arrangements necessary for individuals who might be seriously exposed, but not otherwise injured, in a radiologic emergency. In originally resolving the scope of arrangements issue, the Commission focused on the particular needs of offsite exposed individuals for emergency medical treatment of their radiation injury. In this fashion, the Commission made a distinction between the need for immediate or near-term medical care, which was in its view the goal of planning standard (b)(12), and the need for long-term medical care. As to exposed individuals, the Commission found that:

the special hazard is posed by the radiation exposure to the patient. The nature of radiation injury is that, while medical treatment may be eventually required in cases of extreme exposure, the patients are unlikely to need emergency medical care (footnote omitted). The non-immediacy of the treatment required for radiation-exposed individuals provides onsite and offsite authorities with an additional period of time to arrange for the required medical service. (17 NRC 535-36.)

From this, the Commission reasoned that the long-term treatment needs of exposed individuals could be adequately met on *ad hoc* basis.

After reconsideration in light of the *GUARD* decision, the Commission has concluded that some additional planned arrangements beyond the development of a list of treatment facilities are necessary to provide additional assurance of effective management of emergency medical services in the hours or days following a severe accident. However, the Commission continues to believe that the long-term treatment needs of exposed individuals can be adequately met on *ad hoc* basis.

The minimally necessary arrangements for the person that may be exposed need not be elaborate. As previously stated by the Commission, "[i]t was never the intent of the regulations to require directly or indirectly that state and local governments adopt extraordinary measures, such as construction of additional hospitals or recruitment of substantial additional medical personnel, just to deal with nuclear plant accidents." 17 NRC at 533. Rather, the Commission believes that satisfactory arrangements should include (1) a list of local or regional medical treatment facilities and transportation providers appropriately annotated to show their capacities, special capabilities or other unique characteristics, (2) a good faith reasonable effort by licensees or local or state governments to facilitate or obtain written agreements with the listed medical facilities and transportation providers, (3) provision for making available necessary training for emergency response personnel to identify, transport, and provide emergency first aid to severely exposed individuals, and (4) a good faith reasonable effort by licensees or state or local governments to see that appropriate drills and exercises are conducted which include simulated severely-exposed individuals. If good faith efforts are not successful in a particular case, the licensee shall provide or arrange for adequate compensatory measures, consistent with the Commission's intent to limit the need for extraordinary measures noted above. The compensatory measures must be approved by NRC. This level of planning would help (1) provide additional assurance of the cooperation of medical facilities, (2) ensure proper training, (3) ensure the availability of transportation, and (4) demonstrate a capability to provide necessary services through drills and exercises.

The Commission has directed the staff to develop, consistent with this interpretation of the planning standard, detailed and specific guidance on the nature of the medical services to be available to exposed individuals and on the application of planning standard (b)(12) to NRC licensees and applicants for licenses to operate commercial nuclear power reactors. The Commission has also directed the staff to consider whether and under what criteria it is necessary or appropriate for the staff to verify the appropriateness of training, and drills or exercises associated with the handling of severely exposed persons.

The Commission has determined that the arrangements contemplated under this Statement of Policy are the minimum required by a reasonable reading of planning standard (b)(12). Accordingly, although implementation of this reading of the standard will entail some additions to, and some modifications of, the emergency procedures and organizations for which licensees are ultimately responsible, the requirements of the backfit rule, 10 CFR 50.109 (1986), for a cost-benefit analysis and a finding that the costs of the modifications are justified by a substantial increase in safety are not applicable, since these modifications fall under the backfit rule's exception for modifications necessary to bring facilities into compliance with a rule of the Commission. See 10 CFR 50.109 (a)(2) and (a)(4) (1986). The analysis which the backfit rule requires be done to justify the application of any of its exception provisions constitutes the core of this Statement of Policy. See *Id.*

### III. Interim Guidance

In its prior statement of policy, the Commission identified three factors which justified an interim policy of granting applicants for full-power license an equitable exception to the requirements of planning standard (b)(12) under 10 CFR 50.47(c)(1) where the applicant satisfied the requirements of planning standard (b)(12) as interpreted by the Commission prior to the *GUARD* decision and committed itself to full compliance with any additional requirements imposed by the Commission in response to the *GUARD* remand. Statement of Policy on Emergency Planning Standard 10 CFR 50.47(b)(12), 50 FR 20891 (May 21, 1985). The three factors were: (1) the possibility that the scope of planning standard (b)(12) would be limited; (2) the possibility that delay in compliance with the post-*GUARD* requirements could be found to be insignificant due to the low probability of accidents during the interim period; and (3) the possibility of "other compelling reasons" justifying a brief exception where applicants had relied in good faith upon prior Commission interpretation of planning standard (b)(12).

In this Statement of Policy interpreting planning standard (b)(12) the Commission directs the NRC staff to develop (in consultation with FEMA) and issue by 11/17/86 appropriate detailed guidance on the exact contours of the necessary arrangements consistent with the Commission's determination that planning standard (b)(12) require arrangements for medical

services (beyond the maintenance of a list of pre-existing treatment facilities) for offsite exposed individuals. The Commission believes that the last two factors, discussed in detail in its May 21, 1985 Statement of Policy, continue to justify reliance on the interim guidance for the period necessary for the NRC staff to issue and licensees, applicants, and state and local governments to implement the detailed guidance. Therefore, until appropriate detailed guidance consistent with this policy statement is issued and implemented, the Licensing Boards may continue to reasonably find that any hearing regarding compliance with 10 CFR 50.47(b)(12) shall be limited to issues which could have been heard before the Court's decision in *GUARD v. NRC*.

Dated at Washington, DC, this 12th day of September, 1986.

For the Nuclear Regulatory Commission,  
Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 86-21058 Filed 9-16-86; 8:45 am]

BILLING CODE 7590-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 86-CE-24-AD; Amendment 39-5416]

#### Airworthiness Directives; British Aerospace Model 3101 Jetstream Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Correction of final rule.

**SUMMARY:** This action corrects Airworthiness Directive (AD) 86-16-04, Amendment 39-5383 (51 FR 28322), applicable to certain British Aerospace (BAe) Jetstream Model 3101 airplanes modified in accordance with Arkansas Modification Center, Inc. (AMC) baggage pod Supplementary Type Certificate (STC) No. SA5900SW. This correction is necessary because of an error was made in the AD applicability when the AD was published in the Federal Register.

**EFFECTIVE DATE:** September 19, 1986.

**FOR FURTHER INFORMATION CONTACT:** Mr. William Simmons, FAA, ASW-190, 4400 Blue Mound Road, Fort Worth, Texas 76101; Telephone (817) 624-5199, or Mr. John P. Dow, Sr., FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6932.

#### SUPPLEMENTARY INFORMATION:

Subsequent to the issuance of AD 86-16-04, Amendment 39-5383 (51 FR 28322), applicable to certain BAe Model 3101 airplanes, the FAA found that an error was made in the AD applicability when the AD was published in the Federal Register. Therefore, action is taken herein to make this correction. Since this action corrects the applicability of the AD to ensure compliance on the affected airplanes, notice and procedure hereon are unnecessary and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

#### PART 39—[CORRECTED]

1. The authority citation for Part 39 continues to read as follows:

**Authority:** 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By correcting the following AD:  
In FR Doc. 86-17707, appearing on page 28323 in the Federal Register on August 7, 1986, make the following correction:

Correct the applicability statement as follows:

"British Aerospace: Applies to Jetstream Model 3101 (all serial numbers) airplanes which have incorporated Arkansas Modification Center, Inc. (AMC) baggage pod Modification STC No. SA5900SW using baggage pod Serial Numbers 003 through 026, 028, 034, 035, 037, and 038."

Issued in Kansas City, Missouri, on September 5, 1986.

**Jerold M. Chavkin,**

Acting Director, Central Region.

[FR Doc. 86-20917 Filed 9-16-86; 8:45 am]

BILLING CODE 4910-13-M

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 275

[Release IA-1034; File No. S7-7-86]

#### Certain Transactions Not Deemed Assignments

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Adoption of rule.

**SUMMARY:** The Commission is adopting a rule under the Investment Advisers Act of 1940 to provide that a transaction that does not result in a change of actual control or management of an investment

adviser shall not be deemed an "assignment" requiring client consent for purposes of that act. This rule, which is substantively identical to a corresponding rule under the Investment Company Act of 1940, will provide interpretive guidance to investment advisers and will eliminate the need for advisers to file, and the staff to process, routine no-action and interpretive requests on this issue.

**EFFECTIVE DATE:** October 17, 1986.

**FOR FURTHER INFORMATION CONTACT:** Thomas P. Lemke, Chief Counsel (202-272-2030), or A. Thomas Smith III, Attorney (202-272-2031), Office of Chief Counsel, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

**SUPPLEMENTARY INFORMATION:** The Securities and Exchange Commission ("Commission") today is adopting Rule 202(a)(1)-1 under the Investment Advisers Act of 1940 [15 U.S.C. 80b-1 *et seq.*] ("Act"), which would deem a transaction which does not result in an actual change of control of an investment adviser not to involve an "assignment" requiring client consent under section 205(2) of the Act [15 U.S.C. 80b-5(2)]. The terms of the proposed rule are substantively identical to those of rule 2a-6 [17 CFR 270.2a-6] under the Investment Company Act of 1940 [15 U.S.C. 80a-1 *et seq.*], which deems certain transactions not to involve the assignment of an investment advisory or principal underwriting contract of a registered investment company. The rule, which is adopted in the form proposed,<sup>1</sup> will provide guidance to investment advisers seeking to determine when events that do not cause a change of actual control or management of the adviser should not be treated as an assignment and will result in cost savings for advisers and the Commission by eliminating the need for advisers to file, and the staff to process, routine no-action and interpretive requests on this issue.

#### Background and Discussion

Section 205(2) of the Act provides that a registered investment adviser may not enter into or renew an advisory contract unless the contract provides that it cannot be assigned by the adviser without the consent of the other party to the contract. The term "assignment" is defined in section 202(a)(1) of the Act [15 U.S.C. 80b-2(a)(1)] to include, as relevant here, any transfer of an

<sup>1</sup> See IA Rel. No. 1013 (Feb. 21, 1986), 51 FR 6918 (Feb. 27, 1986).

investment advisory contract by the assignor or any transfer of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor.<sup>2</sup> The legislative history mentions concern about fiduciaries assigning personal contracts and demonstrates that this provision is directed against persons who would otherwise "traffick" in investment advisory contracts.<sup>3</sup>

From time to time, however, an adviser may be involved in a transaction—particularly a reorganization or other modification in corporate structure involving a controlling block of the adviser's securities—which technically may be considered to be an assignment for purposes of the Act's definition, but which in fact does not alter the actual control or management of the adviser. If the transaction is viewed as an assignment for purposes of section 205(2), the consent of the adviser's clients would be required. However, because such a transaction does not result in an actual change of control or management of the adviser, interpreting the consent requirement of section 205(2) to apply in this situation appears to serve no useful purpose and, in fact, merely increases the adviser's cost of doing business without providing any benefit to clients.

The Commission received two comment letters on the proposed rule. Both commentators supported the adoption of the rule as proposed and agreed that this rule would provide useful guidance to investment advisers as to when a change of actual control or management should not be treated as an assignment.

Accordingly, the Commission is today adopting rule 202(a)(1)-1. The terms of the rule are substantively identical to those of rule 2a-6 under the Investment Company Act of 1940,<sup>4</sup> regarding the "assignment" of an advisory or underwriting contract for a registered investment company. The Commission's staff, in no-action letters, has interpreted

the term "assignment" in the same manner for purposes of both Acts.<sup>5</sup>

With the adoption of rule 202(a)(1)-1, the Commission's staff interpretive position regarding the applicability of section 205(2) to changes in an adviser's form of business, set forth in part II.C.1. ("Amending for Change in Form of Organization or State of Incorporation") of Investment Advisers Act Rel. No. 1000 ("Release"),<sup>6</sup> is superseded. Rule 202(a)(1)-1 will be reflected in the next update of the Release.

Finally, whether a particular transaction involves a change of actual control or management is primarily a factual determination. Because the Commission's staff is not in a position to make the investigation necessary to ascertain, verify, or evaluate the requisite factual information regarding particular transactions, the staff ordinarily will not express any opinion in response to inquiries as to whether a specific transaction would come within the rule. The staff will, of course, provide interpretive advice as to the general applicability of the rule.

#### List of Subjects in 17 CFR Part 275

Investment advisers, Reporting and recordkeeping requirements, Securities.

#### Text of Rule

Part 275 of Chapter II of Title 17 of the Code of Federal Regulations under the Investment Advisers Act of 1940 is amended as shown:

#### PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

1. The authority citation for Part 275 is revised to read as follows:

Authority: Sec. 203, 54 Stat. 850, as amended, 15 U.S.C. 80b-3; Sec. 204, 54 Stat. 852, as amended, 15 U.S.C. 80b-4; Sec. 206A, 84 Stat. 1433, as added, 15 U.S.C. 80b-6A; Sec. 211, 54 Stat. 855, as amended, 15 U.S.C. 80b-11.

Section 275.204-1 issued under secs. 15(b)(1) and 23(a) (15 U.S.C. 78o(b)(1) and 78w(a)).

2. By adding § 275.202(a)(1)-1 as follows:

#### § 275.202(a)(1)-1 Certain transactions not deemed assignments.

A transaction which does not result in a change of actual control or

management of an investment adviser is not an assignment for purposes of section 205(2) of the Act.

Dated: September 9, 1986.

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 86-20994 Filed 9-16-86; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Part 655

#### National Standards for Specific Information Signs; Rescission of Regulations

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Rescission of regulation.

**SUMMARY:** This document rescinds the FHWA regulation (23 CFR Part 655, Subpart C) which establishes standards for signs erected within highway rights-of-way to provide directional information for business establishments offering goods and services in the interest of the traveling public. These standards have been added to the Manual on Uniform Traffic Control Devices (MUTCD) by final rule published on March 13, 1985 (50 FR 10001). The MUTCD is incorporated by reference in 23 CFR 655, Subpart F, therefore, 23 CFR 655, Subpart C is no longer necessary and is being rescinded.

**EFFECTIVE DATE:** This rescission is effective September 17, 1986.

**FOR FURTHER INFORMATION CONTACT:** Mr. Philip O. Russell, Office of Traffic Operations, (202) 366-2184, or Mr. Michael J. Laska, Office of the Chief Counsel, (202) 366-1383, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except legal holidays.

**SUPPLEMENTARY INFORMATION:** The regulation on specific information signs contained in 23 CFR Part 655, Subpart C and in Volume 6, Chapter 8, section 3, subsection 8, of the Federal-Aid Highway Program Manual was last revised on February 2, 1979, to implement section 122(a) of the Federal-Aid Highway Act of 1976, 23 U.S.C. 131(f). Prior to this Act, the Secretary was authorized, in consultation with the States, to provide areas within the Interstate Highway System and fully controlled access freeways on the Primary Highway System rights-of-way

<sup>2</sup> Section 2(a)(4) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(4)) contains a similar definition of the term "assignment."

<sup>3</sup> See, e.g., *Investment Company Act of 1940 and Investment Advisers Act of 1940*, S. Rep. No. 1775, 76th Cong., 3d Sess. 22 (1940). The legislative history of the Investment Company Act of 1940 states similar concerns about trafficking in advisory and underwriting contracts of investment companies. See, e.g., *Investment Trusts and Investment Companies: Hearings on S. 3580 Before a Subcomm. of the Senate Comm. on Banking and Currency*, 76th Cong., 3d Sess. 253 (1940).

<sup>4</sup> Rule 2a-6 was proposed in IC Rel. No. 10809 (Aug. 6, 1979), 44 FR 47100 (Aug. 10, 1979) and adopted in IC Rel. No. 11005 (Jan. 2, 1980), 45 FR 1860 (Jan. 9, 1980).

<sup>5</sup> E.g., *Templeton Investment Counsel Limited, et al.* (pub. avail. Jan. 23, 1986).

<sup>6</sup> IA Rel. No. 1000 (Dec. 3, 1985), 50 FR 49835 (Dec. 5, 1985). This Release is a question and answer discussion of various staff positions concerning rules and forms under the Act.

on which specific information signs could be erected. The 1979 amendment extended the authorization to permit the erection of such signs within the rights-of-way of the entire Primary Highway System.

In a January 10, 1984, Notice of Proposed Amendments, 49 FR 1213, FHWA Docket No. 83-26, the FHWA proposed to incorporate the above regulations into the MUTCD. In a March 13, 1985, final rule, 50 FR 10001, FHWA Docket No. 83-26, the FHWA added the specific information service sign standards to the MUTCD. The MUTCD is incorporated by reference in 23 CFR Part 655, Subpart F and recognized as the national standard for traffic control devices on all public roads. Amendments to the MUTCD are intended to expedite traffic, improve safety and provide a more uniform application of highway signs, signals, and markings. The MUTCD is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D. It may be purchased for \$30.00 from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, Stock No. 50-001-81001-8.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant rule under the regulatory policies and procedures of the Department of Transportation. The economic impact of these amendments is minimal since the regulatory material on specific information signs has only been transferred to the MUTCD which is incorporated by reference. Therefore, a full regulatory evaluation is not required. Since this document merely rescinds an obsolete FHWA regulation, public comment is unnecessary. For this reason, the FHWA finds good cause to make the rescission final without prior notice and opportunity for comment and without a 30-day delay in effective date under the Administrative Procedure Act. For the same reason, notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation because it is not anticipated that such action would result in the receipt of useful information. For the same reasons and under the criteria of the regulatory Flexibility Act, the FHWA certifies that this action will not have a significant economic impact on a substantial number of small entities.

## PART 655—TRAFFIC OPERATIONS

### Subpart C—National Standards for Specific Information Signs— [Removed]

In consideration of the foregoing and under the authority of 23 U.S.C. 109(d), 315, and 402(a), and the delegation of authority in 49 CFR 1.48(b), the FHWA hereby amends Part 655 of Title 23, CFR, by removing Subpart C.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

#### List of Subjects in 23 CFR Part 655

Design standards, Grant programs—transportation, Highway and roads, Signs, Traffic regulations, Incorporation by reference.

Issued on: September 8, 1986.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 86-20960 Filed 9-16-86; 8:45 am]

BILLING CODE 4910-22-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of Assistant Secretary for Housing—Federal Housing Commissioner

#### 24 CFR Part 888

[Docket No. N-86-1608; FR-2173]

### Section 8 Housing Assistance Payments Program—Contract Rent Annual Adjustment Factors

**AGENCY:** Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Notice updating Contract Rent Annual Adjustment Factors.

**SUMMARY:** The United States Housing Act of 1937 requires that the assistance contracts signed by owners participating in the Department's section 8 Housing Assistance Payments Programs provide for annual or more frequent adjustment in the maximum monthly rentals for units covered by the contract to reflect changes based on fair market rents prevailing in a particular market area, or on a reasonable formula. This notice announces revised Annual Adjustment Factors, which are based on a formula using rent and utility data from the Consumer Price Index and the Bureau of the Census American Housing Surveys.

The revised Factors are to be used to adjust current rents in the Section 8 Housing Assistance Payments Programs.

**EFFECTIVE DATE:** September 17, 1986.

**FOR FURTHER INFORMATION CONTACT:** Cecelia D. Livingston, Existing Housing Division, Office of Elderly and Assisted Housing, (202) 755-5720; James Tahash, Program Planning Division, Office of Multifamily Housing Management, (202) 426-3970; for technical information regarding the development of the schedules for specific areas or the method used for calculating the Adjustment Factor, Michael R. Allard, Economic and Marketing Analysis Division, Office of Policy Development and Research, (202) 755-5577. Mailing address for above persons: Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. (Telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** Section 8(c)(2)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(2)(A)) requires the Department to provide for adjustments in the maximum monthly rents for units covered by Section 8 Housing Assistance Payments (HAP) Contracts. Adjustments must reflect changes in the fair market rents prevailing in particular market areas or be based on a reasonable formula.

This notice establishes revised Annual Adjustment Factors (AAFs), based on a formula using rent and utility data from the Consumer Price Index (CPI) and using the Bureau of the Census American Housing Surveys (AHS) (formerly called Annual Housing Survey). The revised AAFs are to be used to adjust rents under the Section 8 Housing Assistance Payments Programs. HUD regulations (see 24 CFR 888.202) provide that the AAFs will be published annually in the Federal Register. The annual anniversary date for publication of the Factors is November 8.

The following provides a general description as to how AAFs apply under the several Section 8 Housing Assistance Payments Programs. The application of the AAFs should be determined by reference to the HAP Contract and to the appropriate program regulations.

In general, AAFs established by this notice are used to adjust contract rents for section 8 units, except for Section 8 Certificate Program units subject to 24 CFR 882.110(d) and for section 8 units assisted under 24 CFR Part 885 with HAP Contracts not containing the automatic annual adjustment provisions.

Section 882.110(d) applies to units in certain otherwise subsidized projects

that are rented to Section 8 Certificate Program families. The housing assistance payment for such a unit is equal to the difference between the subsidized rent and the rent payable by the eligible family. Adjustments to the subsidized rents are made in accordance with rules and procedures governing the particular subsidized housing program involved. Contract Rents for many projects receiving section 8 subsidies under the Loan Management provisions of 24 CFR Part 886, Subpart A and for projects receiving section 8 subsidies under the Property Disposition provisions of 24 CFR Part 886, Subpart C, are adjusted, at HUD's option, either by applying the AAFs or by computing rent adjustments in accordance with 24 CFR 207.19 (e)(2) and (e)(4).

Owners of section 8 units (other than units assisted under the Section 8 Certificate Program) who have HAP Contracts with anniversary dates falling on November 8, 1985, through [insert date for the day before publication date] may request that the AAFs be applied retroactively to the anniversary date of their HAP Contracts. Retroactivity is permitted to avoid any detriment to owners because of HUD's delay in the annual publication of the factors as required by 24 CFR 888.202. For units assisted under the Section 8 Certificate and the FmHA Programs, the factors are not applied retroactively; the annual adjustments, as of any anniversary date, are determined using the AAFs most recently published in the *Federal Register* (see 24 CFR 882.108(a)(1)(i) and 884.109(b)(2)).

Different AAFs are provided for the four Census Regions, nine Metropolitan Statistical Areas (MSAs) and 67 Primary Metropolitan Statistical Areas (PMSAs). A list of the counties (and cities and towns in New England) that are included in each metropolitan area is being published as part of this Notice.

The formula for calculating the Adjustment Factors for each area was developed as follows: (1) The increases in the residential rent and the fuel and utilities components of the CPI were calculated for the 12-month period from June, 1984 to June, 1985; (2) a shelter rent increase factor was calculated by eliminating the effect of heating costs on the CPI residential rent index, as determined by Bureau of Labor Statistics data; (3) a gross rent increase factor for each of the metropolitan areas covered by the CPI and for each of the four Census Regions was calculated by weighting the shelter rent and utility increases in accordance with Census Regional weights of these component parts of rent, as derived from 1983 AHS data; (4) Adjustment Factors for Contract Rents including the highest cost utility were calculated by adjusting the gross rent increase factors to reflect variations by rent range in each area based on variations developed from 1983 national AHS data as applied to the local FMR levels; and (5) Adjustment Factors for Contract Rents excluding the highest cost utility were calculated by developing updated shelter rents from the updated gross rents, by rent ranges, and then comparing the updated shelter rents with those of the previous year.

The AAFs developed by the formula apply to rental units of all bedroom sizes in each rent interval. In the Section 8 Certificate Program, the AAFs excluding highest cost utilities are to be used for manufactured home space rent adjustments at each applicable rent interval. Under the Section 8 Moderate Rehabilitation Program, the Public Housing Agency should use the base rent, not the Contract Rent, to select the correct AAF to apply to the base rent.

Each AAF applies to a particular geographical area, as indicated in the Tables at the end of this document. However, application of a Factor to the

prior Contract Rent for a unit may not result in material differences between the rents charged for assisted and comparable unassisted units as determined by the Secretary. (See 42 U.S.C. 1437f(c)(2)(C), and applicable program regulations in 24 CFR Chapter VIII.) Thus, an AAF for an entire PMSA may not be uniformly applicable to all rental housing within the geographical area, if the rent comparability test cannot be met.

In certain cases, however, the AAF established for a particular area may result in rents that are substantially lower than rents charged for comparable units not receiving assistance under the Section 8 Program. If this occurs, a PHA or private owner may apply to the field office for consideration by HUD of a revised Adjustment Factor for the area, as provided for in 24 CFR 888.204.

An environmental assessment is unnecessary, since revising Annual Adjustment Factors is categorically excluded from the Department's National Environmental Policy Act procedures under 24 CFR 50.20(1).

The Catalog of Federal Domestic Assistance program number for Lower Income Housing Assistance Programs (section 8) is 14.156.

Authority: Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d); sec. 8(c)(2)(A), U.S. Housing Act (42 U.S.C. 1437f(c)(2)(A)).

Dated: September 11, 1986.

**Silvio J. DeBartolomeis,**

*General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.*

Accordingly, the Department publishes these Contract Rent Annual Adjustment Factors for the Section 8 Housing Assistance Payments Program as set forth in the following Tables:

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## SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS - BY RENT RANGE

NORTHEAST CENSUS REGION				NORTHCENTRAL CENSUS REGION				SOUTH CENSUS REGION			
HIGHEST COST INCLUDED		UTILITY EXCLUDED		HIGHEST COST INCLUDED		UTILITY EXCLUDED		HIGHEST COST INCLUDED		UTILITY EXCLUDED	
UNDER \$ 190				UNDER \$ 170				UNDER \$ 170			
\$ 190 TO 239	1.086	1.095	1.086	\$ 170 TO 209	1.076	1.056	1.056	\$ 170 TO 209	1.063	1.058	1.058
\$ 240 TO 289	1.072	1.080	1.072	\$ 210 TO 249	1.064	1.049	1.049	\$ 210 TO 259	1.053	1.050	1.050
\$ 290 TO 339	1.061	1.073	1.061	\$ 250 TO 289	1.054	1.047	1.047	\$ 260 TO 299	1.045	1.046	1.046
\$ 340 TO 379	1.056	1.068	1.056	\$ 290 TO 329	1.050	1.045	1.045	\$ 300 TO 339	1.041	1.043	1.043
\$ 380 TO 429	1.054	1.062	1.054	\$ 330 TO 369	1.048	1.041	1.041	\$ 340 TO 389	1.040	1.039	1.039
\$ 430 TO 479	1.053	1.056	1.053	\$ 370 TO 419	1.046	1.038	1.038	\$ 390 TO 429	1.039	1.036	1.036
\$ 480 TO 529	1.049	1.048	1.049	\$ 420 TO 459	1.043	1.031	1.031	\$ 430 TO 469	1.036	1.030	1.030
\$ 530 TO 569	1.046	1.045	1.046	\$ 460 TO 499	1.040	1.030	1.030	\$ 470 TO 509	1.034	1.029	1.029
\$ 570 PLUS	1.040	1.044	1.044	\$ 500 PLUS	1.035	1.030	1.030	\$ 510 PLUS	1.029	1.029	1.029
	1.038	1.044			1.034	1.030			1.028	1.028	
WEST CENSUS REGION				PMSA AKRON, OH				PMSA ANAHEIM-SANTA ANA, CA			
HIGHEST COST INCLUDED		UTILITY EXCLUDED		HIGHEST COST INCLUDED		UTILITY EXCLUDED		HIGHEST COST INCLUDED		UTILITY EXCLUDED	
UNDER \$ 200				UNDER \$ 190				UNDER \$ 280			
\$ 200 TO 249	1.102	1.109	1.088	\$ 190 TO 229	1.078	1.077	1.067	\$ 280 TO 349	1.080	1.096	1.077
\$ 250 TO 299	1.086	1.088	1.074	\$ 230 TO 279	1.066	1.067	1.061	\$ 350 TO 419	1.067	1.057	1.068
\$ 300 TO 339	1.073	1.073	1.067	\$ 280 TO 329	1.056	1.051	1.057	\$ 420 TO 489	1.057	1.053	1.063
\$ 340 TO 389	1.067	1.069	1.064	\$ 320 TO 369	1.051	1.049	1.048	\$ 490 TO 559	1.051	1.051	1.060
\$ 390 TO 439	1.064	1.064	1.062	\$ 370 TO 419	1.049	1.048	1.048	\$ 560 TO 629	1.049	1.049	1.055
\$ 440 TO 489	1.062	1.059	1.058	\$ 420 TO 469	1.048	1.045	1.040	\$ 630 TO 699	1.046	1.046	1.050
\$ 490 TO 539	1.058	1.050	1.054	\$ 470 TO 509	1.045	1.042	1.038	\$ 700 TO 769	1.043	1.043	1.043
\$ 540 TO 589	1.054	1.048	1.047	\$ 510 TO 559	1.042	1.036	1.038	\$ 770 TO 839	1.037	1.037	1.041
\$ 590 PLUS	1.047	1.047	1.045	\$ 560 PLUS	1.036	1.035	1.038	\$ 840 PLUS	1.037	1.035	1.040
	1.045				1.035				1.035		
MSA ANCHORAGE, AK				PMSA ANN ARBOR, MI				MSA ATLANTA, GA			
HIGHEST COST INCLUDED		UTILITY EXCLUDED		HIGHEST COST INCLUDED		UTILITY EXCLUDED		HIGHEST COST INCLUDED		UTILITY EXCLUDED	
UNDER \$ 350				UNDER \$ 230				UNDER \$ 200			
\$ 350 TO 439	1.021	1.010	1.008	\$ 230 TO 279	1.089	1.067	1.059	\$ 200 TO 249	1.095	1.092	1.079
\$ 440 TO 519	1.018	1.008	1.015	\$ 280 TO 339	1.075	1.059	1.054	\$ 250 TO 299	1.080	1.073	1.068
\$ 520 TO 609	1.015	1.008	1.014	\$ 340 TO 399	1.064	1.054	1.050	\$ 300 TO 349	1.068	1.063	1.063
\$ 610 TO 699	1.014	1.008	1.013	\$ 400 TO 449	1.059	1.056	1.050	\$ 350 TO 399	1.063	1.060	1.063
\$ 700 TO 779	1.013	1.008	1.012	\$ 450 TO 509	1.056	1.055	1.046	\$ 400 TO 449	1.060	1.058	1.057
\$ 780 TO 869	1.012	1.008	1.011	\$ 510 TO 569	1.055	1.051	1.046	\$ 450 TO 499	1.058	1.048	1.048
\$ 870 TO 959	1.011	1.006	1.010	\$ 570 TO 629	1.051	1.048	1.037	\$ 500 TO 549	1.055	1.051	1.046
\$ 960 TO 1049	1.010	1.006	1.010	\$ 630 TO 679	1.048	1.041	1.037	\$ 550 TO 599	1.051	1.044	1.045
\$ 1050 PLUS	1.010	1.006	1.009	\$ 680 PLUS	1.041	1.037	1.037	\$ 600 PLUS	1.044	1.045	1.045
	1.009				1.039				1.042		
PMSA AURORA-ELGIN, IL				MSA BALTIMORE, MD				PMSA BEAVER COUNTY, PA			
HIGHEST COST INCLUDED		UTILITY EXCLUDED		HIGHEST COST INCLUDED		UTILITY EXCLUDED		HIGHEST COST INCLUDED		UTILITY EXCLUDED	
UNDER \$ 290				UNDER \$ 230				UNDER \$ 190			
\$ 290 TO 359	1.107	1.092	1.089	\$ 230 TO 279	1.075	1.075	1.065	\$ 190 TO 239	1.051	1.047	1.047
\$ 360 TO 439	1.089	1.075	1.076	\$ 280 TO 339	1.063	1.062	1.056	\$ 240 TO 279	1.043	1.040	1.037
\$ 440 TO 509	1.076	1.067	1.070	\$ 340 TO 399	1.054	1.050	1.048	\$ 280 TO 329	1.037	1.034	1.035
\$ 510 TO 579	1.070	1.064	1.067	\$ 400 TO 449	1.050	1.046	1.040	\$ 330 TO 379	1.034	1.032	1.032
\$ 580 TO 649	1.067	1.062	1.065	\$ 450 TO 509	1.048	1.046	1.038	\$ 380 TO 419	1.032	1.031	1.030
\$ 650 TO 729	1.065	1.058	1.061	\$ 510 TO 569	1.046	1.043	1.038	\$ 420 TO 469	1.031	1.029	1.025
\$ 730 TO 799	1.061	1.054	1.057	\$ 570 TO 619	1.043	1.040	1.037	\$ 470 TO 519	1.029	1.027	1.024
\$ 800 TO 869	1.057	1.045	1.049	\$ 620 TO 679	1.040	1.035	1.037	\$ 520 TO 569	1.027	1.024	1.024
\$ 870 PLUS	1.049	1.043	1.047	\$ 680 PLUS	1.035	1.033	1.037	\$ 570 PLUS	1.024	1.023	1.023
	1.047				1.033				1.023		

## SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS - BY RENT RANGE

PMSA BERGEN-PASSAIC, NJ				PMSA BOSTON, MA				PMSA BOULDER-LONGMONT, CO			
HIGHEST COST INCLUDED	COST EXCLUDED	UTILITY EXCLUDED		HIGHEST COST INCLUDED	COST EXCLUDED	UTILITY EXCLUDED		HIGHEST COST INCLUDED	COST EXCLUDED	UTILITY EXCLUDED	
UNDER \$ 280	1.079	1.086		UNDER \$ 270	1.077	1.099		UNDER \$ 280	1.048	1.054	
\$ 280 TO 349	1.066	1.069		\$ 270 TO 339	1.064	1.078		\$ 280 TO 349	1.040	1.043	
\$ 350 TO 419	1.057	1.061		\$ 340 TO 409	1.055	1.068		\$ 350 TO 419	1.034	1.038	
\$ 420 TO 489	1.052	1.057		\$ 410 TO 469	1.050	1.063		\$ 420 TO 489	1.031	1.035	
\$ 490 TO 559	1.050	1.054		\$ 470 TO 539	1.048	1.060		\$ 490 TO 559	1.030	1.034	
\$ 560 TO 629	1.048	1.050		\$ 540 TO 609	1.047	1.055		\$ 560 TO 629	1.029	1.031	
\$ 630 TO 699	1.045	1.046		\$ 610 TO 679	1.044	1.050		\$ 630 TO 699	1.027	1.029	
\$ 700 TO 759	1.042	1.039		\$ 680 TO 739	1.041	1.043		\$ 700 TO 759	1.025	1.024	
\$ 760 TO 829	1.037	1.038		\$ 740 TO 809	1.035	1.041		\$ 770 TO 839	1.022	1.023	
\$ 830 PLUS	1.035	1.037		\$ 810 PLUS	1.034	1.040		\$ 840 PLUS	1.021	1.023	

PMSA BRAZORIA, TX				PMSA BRIDGEPORT-MILFORD, CT				PMSA BROCKTON, MA			
HIGHEST COST INCLUDED	COST EXCLUDED	UTILITY EXCLUDED		HIGHEST COST INCLUDED	COST EXCLUDED	UTILITY EXCLUDED		HIGHEST COST INCLUDED	COST EXCLUDED	UTILITY EXCLUDED	
UNDER \$ 190	1.005	1.000		UNDER \$ 220	1.079	1.077		UNDER \$ 210	1.077	1.094	
\$ 190 TO 239	1.004	1.000		\$ 220 TO 269	1.066	1.066		\$ 210 TO 259	1.064	1.079	
\$ 240 TO 289	1.004	1.000		\$ 270 TO 329	1.057	1.061		\$ 260 TO 309	1.055	1.072	
\$ 290 TO 339	1.003	1.000		\$ 330 TO 379	1.052	1.057		\$ 310 TO 359	1.050	1.066	
\$ 340 TO 389	1.003	1.000		\$ 380 TO 439	1.050	1.052		\$ 360 TO 419	1.048	1.060	
\$ 390 TO 429	1.003	1.000		\$ 440 TO 489	1.048	1.048		\$ 420 TO 469	1.047	1.054	
\$ 430 TO 479	1.003	1.000		\$ 490 TO 549	1.045	1.041		\$ 470 TO 519	1.044	1.046	
\$ 480 TO 529	1.003	1.000		\$ 550 TO 599	1.042	1.038		\$ 520 TO 569	1.041	1.044	
\$ 530 TO 579	1.002	1.000		\$ 600 TO 659	1.037	1.038		\$ 570 TO 629	1.035	1.043	
\$ 580 PLUS	1.002	1.000		\$ 660 PLUS	1.035	1.038		\$ 630 PLUS	1.034	1.042	

PMSA BUFFALO, NY				PMSA CHICAGO, IL				PMSA CINCINNATI, OH-KY-IN			
HIGHEST COST INCLUDED	COST EXCLUDED	UTILITY EXCLUDED		HIGHEST COST INCLUDED	COST EXCLUDED	UTILITY EXCLUDED		HIGHEST COST INCLUDED	COST EXCLUDED	UTILITY EXCLUDED	
UNDER \$ 200	1.075	1.089		UNDER \$ 260	1.107	1.092		UNDER \$ 170	1.063	1.076	
\$ 200 TO 249	1.063	1.075		\$ 260 TO 329	1.089	1.074		\$ 170 TO 209	1.053	1.064	
\$ 250 TO 299	1.054	1.068		\$ 330 TO 399	1.076	1.067		\$ 210 TO 249	1.045	1.058	
\$ 300 TO 349	1.049	1.063		\$ 400 TO 459	1.070	1.064		\$ 250 TO 289	1.041	1.054	
\$ 350 TO 399	1.048	1.057		\$ 460 TO 529	1.067	1.062		\$ 290 TO 339	1.040	1.048	
\$ 400 TO 449	1.046	1.052		\$ 530 TO 589	1.065	1.058		\$ 340 TO 379	1.038	1.044	
\$ 450 TO 499	1.043	1.044		\$ 590 TO 659	1.061	1.053		\$ 380 TO 419	1.036	1.037	
\$ 500 TO 549	1.040	1.042		\$ 660 TO 729	1.057	1.045		\$ 420 TO 459	1.034	1.035	
\$ 550 TO 599	1.035	1.041		\$ 730 TO 789	1.049	1.043		\$ 460 TO 499	1.029	1.034	
\$ 600 PLUS	1.033	1.040		\$ 790 PLUS	1.047	1.043		\$ 500 PLUS	1.028	1.034	

PMSA CLEVELAND, OH				PMSA DALLAS, TX				PMSA DANBURY, CT			
HIGHEST COST INCLUDED	COST EXCLUDED	UTILITY EXCLUDED		HIGHEST COST INCLUDED	COST EXCLUDED	UTILITY EXCLUDED		HIGHEST COST INCLUDED	COST EXCLUDED	UTILITY EXCLUDED	
UNDER \$ 180	1.078	1.078		UNDER \$ 200	1.059	1.055		UNDER \$ 250	1.079	1.088	
\$ 180 TO 219	1.066	1.067		\$ 200 TO 249	1.049	1.047		\$ 250 TO 309	1.066	1.071	
\$ 220 TO 269	1.056	1.062		\$ 250 TO 289	1.042	1.044		\$ 310 TO 369	1.057	1.062	
\$ 270 TO 309	1.051	1.058		\$ 290 TO 339	1.039	1.041		\$ 370 TO 439	1.052	1.058	
\$ 310 TO 359	1.049	1.053		\$ 340 TO 389	1.037	1.038		\$ 440 TO 499	1.050	1.055	
\$ 360 TO 399	1.048	1.048		\$ 390 TO 439	1.036	1.034		\$ 500 TO 559	1.048	1.051	
\$ 400 TO 449	1.045	1.040		\$ 440 TO 489	1.034	1.029		\$ 560 TO 619	1.045	1.047	
\$ 450 TO 489	1.042	1.038		\$ 490 TO 539	1.031	1.027		\$ 620 TO 689	1.042	1.040	
\$ 490 TO 539	1.036	1.038		\$ 540 TO 589	1.027	1.027		\$ 690 TO 749	1.037	1.038	
\$ 540 PLUS	1.035	1.038		\$ 590 PLUS	1.026	1.027		\$ 750 PLUS	1.035	1.038	

## SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS - BY RENT RANGE

## PMSA DENVER, CO

## PMSA DETROIT, MI

## PMSA FORT LAUDERDALE-HOLLYWOOD-POMPANO BEACH

HIGHEST COST INCLUDED	UTILITY EXCLUDED	HIGHEST COST INCLUDED	UTILITY EXCLUDED	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 250	1.048	UNDER \$ 200	1.089	UNDER \$ 260	1.046
\$ 250 TO 309	1.040	\$ 200 TO 259	1.075	\$ 260 TO 319	1.038
\$ 310 TO 369	1.034	\$ 260 TO 309	1.064	\$ 320 TO 389	1.033
\$ 370 TO 429	1.031	\$ 310 TO 359	1.059	\$ 390 TO 449	1.030
\$ 430 TO 489	1.030	\$ 360 TO 409	1.056	\$ 450 TO 519	1.029
\$ 490 TO 559	1.029	\$ 410 TO 459	1.055	\$ 520 TO 579	1.028
\$ 560 TO 619	1.027	\$ 460 TO 509	1.051	\$ 580 TO 649	1.026
\$ 620 TO 679	1.025	\$ 510 TO 559	1.048	\$ 650 TO 709	1.024
\$ 680 TO 739	1.022	\$ 560 TO 609	1.041	\$ 710 TO 779	1.021
\$ 740 PLUS	1.021	\$ 610 PLUS	1.039	\$ 780 PLUS	1.020

## PMSA FORT WORTH-ARLINGTON, TX

## PMSA GALVESTON-TEXAS CITY, TX

## PMSA GARY-HAMMOND, IN

HIGHEST COST INCLUDED	UTILITY EXCLUDED	HIGHEST COST INCLUDED	UTILITY EXCLUDED	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 190	1.059	UNDER \$ 180	1.005	UNDER \$ 180	1.107
\$ 190 TO 229	1.049	\$ 180 TO 219	1.004	\$ 180 TO 219	1.089
\$ 230 TO 279	1.042	\$ 220 TO 259	1.004	\$ 220 TO 269	1.076
\$ 280 TO 329	1.039	\$ 260 TO 309	1.003	\$ 270 TO 309	1.070
\$ 330 TO 369	1.037	\$ 310 TO 349	1.003	\$ 310 TO 359	1.067
\$ 370 TO 419	1.036	\$ 350 TO 399	1.003	\$ 360 TO 399	1.065
\$ 420 TO 469	1.034	\$ 400 TO 439	1.003	\$ 400 TO 449	1.061
\$ 470 TO 509	1.031	\$ 440 TO 489	1.003	\$ 450 TO 489	1.057
\$ 510 TO 559	1.027	\$ 490 TO 529	1.002	\$ 490 TO 539	1.049
\$ 560 PLUS	1.026	\$ 530 PLUS	1.002	\$ 540 PLUS	1.047

## PMSA HAMILTON-MIDDLETOWN, OH

## PMSA HONOLULU, HI

## PMSA HOUSTON, TX

HIGHEST COST INCLUDED	UTILITY EXCLUDED	HIGHEST COST INCLUDED	UTILITY EXCLUDED	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 160	1.063	UNDER \$ 260	1.043	UNDER \$ 190	1.005
\$ 160 TO 199	1.053	\$ 260 TO 319	1.036	\$ 190 TO 239	1.004
\$ 200 TO 239	1.045	\$ 320 TO 389	1.030	\$ 240 TO 289	1.004
\$ 240 TO 279	1.041	\$ 390 TO 449	1.028	\$ 290 TO 329	1.003
\$ 280 TO 319	1.040	\$ 450 TO 509	1.027	\$ 330 TO 379	1.003
\$ 320 TO 359	1.038	\$ 510 TO 579	1.026	\$ 380 TO 429	1.003
\$ 360 TO 399	1.036	\$ 580 TO 639	1.024	\$ 430 TO 479	1.003
\$ 400 TO 439	1.034	\$ 640 TO 709	1.023	\$ 480 TO 519	1.003
\$ 440 TO 479	1.029	\$ 710 TO 769	1.020	\$ 520 TO 569	1.002
\$ 480 PLUS	1.028	\$ 770 PLUS	1.019	\$ 570 PLUS	1.002

## PMSA JERSEY CITY, NJ

## PMSA JOLIET, IL

## PMSA KANSAS CITY, MO-KS

HIGHEST COST INCLUDED	UTILITY EXCLUDED	HIGHEST COST INCLUDED	UTILITY EXCLUDED	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 190	1.079	UNDER \$ 270	1.107	UNDER \$ 170	1.040
\$ 190 TO 239	1.066	\$ 270 TO 339	1.089	\$ 170 TO 219	1.033
\$ 240 TO 289	1.057	\$ 340 TO 409	1.076	\$ 220 TO 259	1.028
\$ 290 TO 339	1.052	\$ 410 TO 479	1.070	\$ 260 TO 299	1.026
\$ 340 TO 389	1.050	\$ 480 TO 539	1.067	\$ 300 TO 339	1.025
\$ 390 TO 429	1.048	\$ 540 TO 609	1.065	\$ 340 TO 379	1.024
\$ 430 TO 479	1.045	\$ 610 TO 679	1.061	\$ 380 TO 429	1.023
\$ 480 TO 529	1.042	\$ 680 TO 749	1.057	\$ 430 TO 469	1.021
\$ 530 TO 579	1.037	\$ 750 TO 819	1.049	\$ 470 TO 509	1.018
\$ 580 PLUS	1.035	\$ 820 PLUS	1.047	\$ 510 PLUS	1.017

## SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS - BY RENT RANGE

## PMSA KENOSHA, WI

HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 190	1.073
\$ 190 TO 229	1.065
\$ 230 TO 279	1.062
\$ 280 TO 329	1.060
\$ 330 TO 369	1.056
\$ 370 TO 419	1.051
\$ 420 TO 469	1.043
\$ 470 TO 509	1.041
\$ 510 TO 559	1.041
\$ 560 PLUS	1.041

## PMSA LORAIN-ELYRIA, OH

HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 190	1.078
\$ 190 TO 239	1.066
\$ 240 TO 279	1.056
\$ 280 TO 329	1.051
\$ 330 TO 379	1.049
\$ 380 TO 429	1.048
\$ 430 TO 469	1.045
\$ 470 TO 519	1.042
\$ 520 TO 569	1.038
\$ 570 PLUS	1.037

## PMSA MIAMI-HIALEAH, FL

HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 260	1.046
\$ 260 TO 329	1.038
\$ 330 TO 389	1.033
\$ 390 TO 459	1.030
\$ 460 TO 519	1.029
\$ 520 TO 589	1.028
\$ 590 TO 649	1.026
\$ 650 TO 719	1.024
\$ 720 TO 779	1.021
\$ 780 PLUS	1.020

## MSA MINNEAPOLIS-ST. PAUL, MN-WI

HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 230	1.129
\$ 230 TO 289	1.088
\$ 290 TO 339	1.075
\$ 340 TO 399	1.069
\$ 400 TO 459	1.066
\$ 460 TO 509	1.064
\$ 510 TO 569	1.060
\$ 570 TO 629	1.056
\$ 630 TO 689	1.048
\$ 690 PLUS	1.046

## PMSA LAKE COUNTY, IL

HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 300	1.107
\$ 300 TO 369	1.089
\$ 370 TO 449	1.076
\$ 450 TO 519	1.070
\$ 520 TO 599	1.067
\$ 600 TO 669	1.065
\$ 670 TO 749	1.061
\$ 750 TO 819	1.057
\$ 820 TO 899	1.049
\$ 900 PLUS	1.047

## PMSA LOS ANGELES-LONG BEACH, CA

HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 290	1.080
\$ 290 TO 359	1.067
\$ 360 TO 429	1.057
\$ 430 TO 499	1.053
\$ 500 TO 579	1.051
\$ 580 TO 649	1.049
\$ 650 TO 719	1.046
\$ 720 TO 789	1.043
\$ 790 TO 859	1.037
\$ 860 PLUS	1.035

## PMSA MIDDLESEX-SOMERSET-HUNTERDON, NJ

HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 250	1.079
\$ 250 TO 309	1.066
\$ 310 TO 369	1.057
\$ 370 TO 429	1.052
\$ 430 TO 489	1.050
\$ 490 TO 549	1.048
\$ 550 TO 619	1.045
\$ 620 TO 679	1.042
\$ 680 TO 739	1.037
\$ 740 PLUS	1.035

## PMSA MONMOUTH-OCEAN, NJ

HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 230	1.079
\$ 230 TO 289	1.066
\$ 290 TO 349	1.057
\$ 350 TO 409	1.052
\$ 410 TO 469	1.050
\$ 470 TO 529	1.048
\$ 530 TO 589	1.045
\$ 590 TO 639	1.042
\$ 640 TO 699	1.037
\$ 700 PLUS	1.035

## PMSA LAWRENCE-HAVERHILL, MA-NH

HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 230	1.077
\$ 230 TO 279	1.064
\$ 280 TO 339	1.055
\$ 340 TO 399	1.050
\$ 400 TO 449	1.048
\$ 450 TO 509	1.047
\$ 510 TO 569	1.044
\$ 570 TO 629	1.041
\$ 630 TO 679	1.035
\$ 680 PLUS	1.034

## PMSA LOWELL, MA-NH

HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 230	1.077
\$ 230 TO 279	1.064
\$ 280 TO 339	1.055
\$ 340 TO 399	1.050
\$ 400 TO 459	1.048
\$ 460 TO 509	1.047
\$ 510 TO 569	1.044
\$ 570 TO 629	1.041
\$ 630 TO 679	1.035
\$ 680 PLUS	1.034

## PMSA MILWAUKEE, WI

HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 210	1.068
\$ 210 TO 259	1.057
\$ 260 TO 309	1.048
\$ 310 TO 359	1.044
\$ 360 TO 409	1.043
\$ 410 TO 469	1.041
\$ 470 TO 519	1.039
\$ 520 TO 569	1.036
\$ 570 TO 619	1.031
\$ 620 PLUS	1.030

## PMSA NASHUA, NH

HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 250	1.077
\$ 250 TO 309	1.064
\$ 310 TO 379	1.055
\$ 380 TO 439	1.050
\$ 440 TO 499	1.048
\$ 500 TO 569	1.047
\$ 570 TO 629	1.044
\$ 630 TO 689	1.041
\$ 690 TO 759	1.035
\$ 760 PLUS	1.034

## SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS - BY RENT RANGE

PMSA NASSAU-SUFFOLK, NY				PMSA NEW YORK, NY				PMSA NEWARK, NJ			
HIGHEST INCLUDED	COST	UTILITY EXCLUDED		HIGHEST INCLUDED	COST	UTILITY EXCLUDED		HIGHEST INCLUDED	COST	UTILITY EXCLUDED	
UNDER \$ 270	1.079	1.087		UNDER \$ 220	1.079	1.091		UNDER \$ 220	1.079	1.077	
\$ 270 TO 339	1.066	1.069		\$ 220 TO 279	1.066	1.066		\$ 220 TO 269	1.066	1.066	
\$ 340 TO 409	1.057	1.061		\$ 280 TO 329	1.057	1.061		\$ 270 TO 319	1.057	1.061	
\$ 410 TO 479	1.052	1.057		\$ 330 TO 389	1.052	1.057		\$ 320 TO 379	1.052	1.057	
\$ 480 TO 549	1.050	1.055		\$ 390 TO 439	1.050	1.052		\$ 380 TO 429	1.050	1.052	
\$ 550 TO 619	1.048	1.050		\$ 440 TO 499	1.048	1.048		\$ 430 TO 489	1.048	1.048	
\$ 620 TO 679	1.045	1.046		\$ 500 TO 549	1.045	1.041		\$ 490 TO 539	1.045	1.041	
\$ 680 TO 749	1.042	1.040		\$ 550 TO 609	1.042	1.038		\$ 540 TO 589	1.042	1.038	
\$ 750 TO 819	1.037	1.038		\$ 610 TO 659	1.037	1.038		\$ 590 TO 649	1.037	1.038	
\$ 820 PLUS	1.035	1.037		\$ 660 PLUS	1.035	1.038		\$ 650 PLUS	1.035	1.038	
PMSA NIAGARA FALLS, NY				PMSA NORWALK, CT				PMSA OAKLAND, CA			
HIGHEST INCLUDED	COST	UTILITY EXCLUDED		HIGHEST INCLUDED	COST	UTILITY EXCLUDED		HIGHEST INCLUDED	COST	UTILITY EXCLUDED	
UNDER \$ 190	1.075	1.092		UNDER \$ 250	1.079	1.088		UNDER \$ 260	1.124	1.112	
\$ 190 TO 239	1.063	1.077		\$ 250 TO 309	1.065	1.071		\$ 260 TO 319	1.103	1.090	
\$ 240 TO 289	1.054	1.069		\$ 310 TO 369	1.057	1.062		\$ 320 TO 389	1.081	1.081	
\$ 290 TO 329	1.049	1.064		\$ 370 TO 439	1.052	1.058		\$ 390 TO 449	1.081	1.077	
\$ 330 TO 379	1.048	1.058		\$ 440 TO 499	1.050	1.055		\$ 450 TO 519	1.078	1.074	
\$ 380 TO 429	1.046	1.053		\$ 500 TO 559	1.048	1.051		\$ 520 TO 579	1.075	1.069	
\$ 430 TO 479	1.043	1.045		\$ 560 TO 619	1.045	1.047		\$ 580 TO 649	1.071	1.064	
\$ 480 TO 519	1.040	1.042		\$ 620 TO 679	1.042	1.040		\$ 650 TO 709	1.066	1.054	
\$ 520 TO 569	1.035	1.041		\$ 680 TO 749	1.037	1.038		\$ 710 TO 779	1.057	1.051	
\$ 570 PLUS	1.033	1.041		\$ 750 PLUS	1.035	1.038		\$ 780 PLUS	1.055	1.051	
PMSA ORANGE COUNTY, NY				PMSA OXNARD-VENTURA, CA				PMSA PHILADELPHIA, PA-NJ			
HIGHEST INCLUDED	COST	UTILITY EXCLUDED		HIGHEST INCLUDED	COST	UTILITY EXCLUDED		HIGHEST INCLUDED	COST	UTILITY EXCLUDED	
UNDER \$ 210	1.079	1.093		UNDER \$ 250	1.080	1.100		UNDER \$ 200	1.110	1.120	
\$ 210 TO 269	1.066	1.067		\$ 250 TO 319	1.067	1.079		\$ 200 TO 249	1.092	1.102	
\$ 270 TO 319	1.057	1.061		\$ 320 TO 379	1.057	1.069		\$ 250 TO 309	1.079	1.092	
\$ 320 TO 369	1.052	1.058		\$ 380 TO 439	1.053	1.064		\$ 310 TO 359	1.072	1.086	
\$ 370 TO 429	1.050	1.053		\$ 440 TO 509	1.051	1.061		\$ 360 TO 409	1.070	1.078	
\$ 430 TO 479	1.048	1.048		\$ 510 TO 569	1.049	1.056		\$ 410 TO 459	1.067	1.071	
\$ 480 TO 529	1.045	1.041		\$ 570 TO 629	1.046	1.051		\$ 460 TO 509	1.063	1.061	
\$ 530 TO 579	1.042	1.039		\$ 630 TO 699	1.043	1.044		\$ 510 TO 559	1.059	1.057	
\$ 580 TO 639	1.037	1.038		\$ 700 TO 759	1.037	1.041		\$ 560 TO 609	1.051	1.056	
\$ 640 PLUS	1.035	1.038		\$ 760 PLUS	1.035	1.041		\$ 610 PLUS	1.049	1.056	
PMSA PITTSBURGH, PA				PMSA PORTLAND, OR				PMSA RACINE, WI			
HIGHEST INCLUDED	COST	UTILITY EXCLUDED		HIGHEST INCLUDED	COST	UTILITY EXCLUDED		HIGHEST INCLUDED	COST	UTILITY EXCLUDED	
UNDER \$ 200	1.051	1.046		UNDER \$ 190	1.043	1.040		UNDER \$ 190	1.068	1.073	
\$ 200 TO 249	1.043	1.040		\$ 190 TO 239	1.036	1.035		\$ 190 TO 229	1.057	1.063	
\$ 250 TO 299	1.037	1.037		\$ 240 TO 279	1.031	1.032		\$ 230 TO 279	1.048	1.057	
\$ 300 TO 349	1.034	1.035		\$ 280 TO 329	1.028	1.030		\$ 280 TO 319	1.044	1.053	
\$ 350 TO 399	1.032	1.032		\$ 330 TO 379	1.027	1.028		\$ 320 TO 369	1.043	1.048	
\$ 400 TO 449	1.031	1.029		\$ 380 TO 429	1.026	1.025		\$ 370 TO 419	1.041	1.044	
\$ 450 TO 489	1.029	1.025		\$ 430 TO 469	1.025	1.021		\$ 420 TO 459	1.039	1.037	
\$ 490 TO 539	1.027	1.024		\$ 470 TO 519	1.023	1.020		\$ 460 TO 509	1.036	1.035	
\$ 540 TO 589	1.024	1.023		\$ 520 TO 569	1.020	1.020		\$ 510 TO 559	1.031	1.035	
\$ 590 PLUS	1.023	1.023		\$ 570 PLUS	1.019	1.020		\$ 560 PLUS	1.030	1.034	

## SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS - BY RENT RANGE

PMSA RIVERSIDE-SAN BERNARDINO, CA		
	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 230	1.080	1.103
\$ 230 TO 289	1.067	1.081
\$ 290 TO 349	1.057	1.071
\$ 350 TO 409	1.053	1.065
\$ 410 TO 469	1.051	1.062
\$ 470 TO 529	1.049	1.053
\$ 530 TO 579	1.046	1.045
\$ 580 TO 639	1.043	1.044
\$ 640 TO 699	1.037	1.042
\$ 700 PLUS	1.035	1.041

## MSA SAN DIEGO, CA

	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 260	1.119	1.133
\$ 260 TO 319	1.100	1.107
\$ 320 TO 379	1.085	1.095
\$ 380 TO 449	1.078	1.088
\$ 450 TO 509	1.075	1.084
\$ 510 TO 579	1.073	1.077
\$ 580 TO 639	1.068	1.071
\$ 640 TO 699	1.064	1.061
\$ 700 TO 769	1.055	1.057
\$ 770 PLUS	1.053	1.057

## PMSA SANTA CRUZ, CA

	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 250	1.124	1.112
\$ 250 TO 309	1.103	1.090
\$ 310 TO 369	1.088	1.081
\$ 370 TO 429	1.081	1.077
\$ 430 TO 499	1.078	1.074
\$ 500 TO 559	1.075	1.069
\$ 560 TO 619	1.071	1.063
\$ 620 TO 679	1.066	1.054
\$ 680 TO 739	1.057	1.051
\$ 740 PLUS	1.055	1.051

## PMSA SEATTLE, WA

	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 230	1.051	1.051
\$ 230 TO 289	1.042	1.040
\$ 290 TO 349	1.036	1.036
\$ 350 TO 409	1.033	1.034
\$ 410 TO 469	1.032	1.032
\$ 470 TO 529	1.031	1.028
\$ 530 TO 579	1.029	1.023
\$ 580 TO 639	1.027	1.023
\$ 640 TO 699	1.023	1.022
\$ 700 PLUS	1.022	1.022

## PMSA ST. LOUIS, MO-IL

	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 200	1.057	1.035
\$ 200 TO 239	1.048	1.031
\$ 240 TO 289	1.041	1.030
\$ 290 TO 339	1.037	1.030
\$ 340 TO 389	1.036	1.028
\$ 390 TO 439	1.035	1.026
\$ 440 TO 489	1.032	1.021
\$ 490 TO 539	1.030	1.020
\$ 540 TO 589	1.026	1.020
\$ 590 PLUS	1.025	1.020

## PMSA SAN FRANCISCO, CA

	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 290	1.124	1.111
\$ 290 TO 369	1.103	1.090
\$ 370 TO 439	1.088	1.081
\$ 440 TO 509	1.081	1.077
\$ 510 TO 589	1.078	1.074
\$ 590 TO 659	1.075	1.069
\$ 660 TO 729	1.071	1.064
\$ 730 TO 809	1.066	1.054
\$ 810 TO 879	1.057	1.052
\$ 880 PLUS	1.055	1.052

## PMSA SANTA ROSA-PETALUMA, CA

	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 270	1.124	1.112
\$ 270 TO 329	1.103	1.090
\$ 330 TO 399	1.088	1.081
\$ 400 TO 469	1.081	1.077
\$ 470 TO 529	1.078	1.074
\$ 530 TO 599	1.075	1.069
\$ 600 TO 669	1.071	1.064
\$ 670 TO 729	1.066	1.054
\$ 730 TO 799	1.057	1.051
\$ 800 PLUS	1.055	1.051

## PMSA STAMFORD, CT

	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 260	1.079	1.087
\$ 260 TO 319	1.066	1.070
\$ 320 TO 389	1.057	1.062
\$ 390 TO 449	1.052	1.058
\$ 450 TO 509	1.050	1.055
\$ 510 TO 579	1.048	1.051
\$ 580 TO 639	1.045	1.047
\$ 640 TO 709	1.042	1.040
\$ 710 TO 769	1.037	1.038
\$ 770 PLUS	1.035	1.037

## PMSA SALEM-GLOUCESTER, MA

	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 270	1.077	1.099
\$ 270 TO 339	1.064	1.078
\$ 340 TO 409	1.055	1.068
\$ 410 TO 469	1.050	1.063
\$ 470 TO 539	1.048	1.060
\$ 540 TO 609	1.047	1.055
\$ 610 TO 679	1.044	1.050
\$ 680 TO 739	1.041	1.043
\$ 740 TO 809	1.035	1.041
\$ 810 PLUS	1.034	1.040

## PMSA SAN JOSE, CA

	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 270	1.124	1.112
\$ 270 TO 329	1.103	1.090
\$ 330 TO 399	1.088	1.081
\$ 400 TO 469	1.081	1.077
\$ 470 TO 529	1.078	1.074
\$ 530 TO 599	1.075	1.069
\$ 600 TO 669	1.071	1.064
\$ 670 TO 729	1.066	1.054
\$ 730 TO 799	1.057	1.051
\$ 800 PLUS	1.055	1.051

## MSA SCRANTON--WILKES-BARRE, PA

	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 180	1.097	1.095
\$ 180 TO 219	1.081	1.082
\$ 220 TO 259	1.069	1.076
\$ 260 TO 309	1.064	1.071
\$ 310 TO 349	1.061	1.064
\$ 350 TO 399	1.059	1.059
\$ 400 TO 439	1.056	1.050
\$ 440 TO 489	1.052	1.047
\$ 490 TO 529	1.045	1.047
\$ 530 PLUS	1.043	1.046

## PMSA TACOMA, WA

	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER \$ 190	1.051	1.043
\$ 190 TO 239	1.042	1.037
\$ 240 TO 289	1.036	1.035
\$ 290 TO 339	1.033	1.033
\$ 340 TO 389	1.032	1.030
\$ 390 TO 429	1.031	1.028
\$ 430 TO 479	1.029	1.023
\$ 480 TO 529	1.027	1.022
\$ 530 TO 579	1.023	1.022
\$ 580 PLUS	1.022	1.022

## SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS - BY RENT RANGE

PMSA TRENTON, NJ				PMSA VALLEJO-FAIRFIELD-NAPA, CA				PMSA VANCOUVER, WA			
HIGHEST COST INCLUDED		UTILITY EXCLUDED		HIGHEST COST INCLUDED		UTILITY EXCLUDED		HIGHEST COST INCLUDED		UTILITY EXCLUDED	
UNDER \$ 220		1.115		UNDER \$ 250		1.124		UNDER \$ 170		1.043	
\$ 220 TO 263		1.099		\$ 250 TO 319		1.103		\$ 170 TO 219		1.036	
\$ 270 TO 329		1.091		\$ 320 TO 379		1.088		\$ 220 TO 259		1.032	
\$ 330 TO 379		1.085		\$ 380 TO 439		1.081		\$ 260 TO 299		1.028	
\$ 380 TO 439		1.077		\$ 440 TO 509		1.078		\$ 300 TO 349		1.027	
\$ 440 TO 489		1.070		\$ 510 TO 569		1.075		\$ 350 TO 389		1.026	
\$ 490 TO 539		1.063		\$ 570 TO 639		1.071		\$ 390 TO 439		1.025	
\$ 540 TO 599		1.057		\$ 640 TO 699		1.066		\$ 440 TO 479		1.023	
\$ 600 TO 649		1.056		\$ 700 TO 759		1.057		\$ 480 TO 519		1.020	
\$ 650 PLUS		1.049		\$ 760 PLUS		1.055		\$ 520 PLUS		1.019	
PMSA VINELAND-MILLVILLE-BRIDGETON, NJ				PMSA WASHINGTON, DC-MD-VA				PMSA WILMINGTON, DE-NJ-MD			
HIGHEST COST INCLUDED		UTILITY EXCLUDED		HIGHEST COST INCLUDED		UTILITY EXCLUDED		HIGHEST COST INCLUDED		UTILITY EXCLUDED	
UNDER \$ 200		1.120		UNDER \$ 220		1.117		UNDER \$ 210		1.110	
\$ 200 TO 249		1.092		\$ 220 TO 279		1.098		\$ 210 TO 269		1.092	
\$ 250 TO 299		1.079		\$ 280 TO 329		1.084		\$ 270 TO 319		1.079	
\$ 300 TO 349		1.072		\$ 330 TO 389		1.077		\$ 320 TO 369		1.072	
\$ 350 TO 399		1.070		\$ 390 TO 449		1.074		\$ 370 TO 429		1.070	
\$ 400 TO 449		1.067		\$ 450 TO 499		1.072		\$ 430 TO 479		1.067	
\$ 450 TO 499		1.063		\$ 500 TO 559		1.067		\$ 480 TO 529		1.063	
\$ 500 TO 549		1.059		\$ 560 TO 609		1.062		\$ 530 TO 589		1.059	
\$ 550 TO 599		1.051		\$ 610 TO 669		1.054		\$ 590 TO 639		1.051	
\$ 600 PLUS		1.049		\$ 670 PLUS		1.052		\$ 640 PLUS		1.049	

BILLING CODE 4210-27-C

## SCHEDULE C—CONTRACT RENT ANNUAL ADJUSTMENT FACTORS—DEFINITIONS OF REGIONS AND METROPOLITAN STATISTICAL AREAS

Code	Area title	Definition
	Northeast Census Region	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.
	North Central Census Region	Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.
	South Census Region	Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia (Puerto Rico and Virgin Islands use South Census Region factors).
	West Census Region	Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming (Guam uses West Census Region factors).
80	Akron, OH PMSA	Portage and Summit Counties.
380	Anaheim-Santa Ana, CA PMSA	Orange County.
380	Anchorage, AK MSA	Anchorage Borough.
440	Ann Arbor, MI PMSA	Washtenaw County.
520	Atlanta, GA MSA	Barrow (added), Butts, Cherokee, Clayton, Cobb, Coweta (added), De Kalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, Rockdale, Spalding (added), and Walton Counties.
620	Aurora-Elgin, IL PMSA	Kane and Kendall (added) Counties.
720	Baltimore, MD MSA	Anne Arundel, Baltimore, Carroll, Hartford, Howard, Queen Anne's (added) Counties, and Baltimore City.
845	Beaver County, PA PMSA	Beaver County.
875	Bergen-Passaic, NJ PMSA	Bergen and Passaic Counties.
1120	Boston, MA PMSA	Bristol County, MA (part): Mansfield town (added), Norton town, and Raynham town (added). Essex County, MA (part): Lynn city, Lynnfield town, Nahant town, and Saugus town. Middlesex County, MA (part): Acton town, Arlington town, Ashland town, Ayer town (added), Bedford town, Belmont town, Boxborough town, Burlington town, Cambridge city, Carlisle town, Concord town, Everett city, Framingham town, Groton town (added), Holliston town, Hopkinton town (added), Hudson town (added), Lexington town, Lincoln town, Littleton town (added), Malden city, Marlborough city (added), Maynard town (added), Medford city, Melrose city, Natick town, Newton city, North Reading town, Reading town, Sherborn town, Shirley town, Somerville city, Stoneham town, Stow town (added), Sudbury town, Townsend town, Wakefield town, Waltham city, Watertown town, Wayland town, Weston town, Wilmington town, Winchester town, and Woburn city. Norfolk County, MA (part): Beilington town, Braintree town, Brookline town, Canton town, Cohasset town, Dedham town, Dover town, Foxborough town, Franklin town, Holbrook town, Medfield town, Medway town, Millis town, Milton town, Needham town, Norfolk town, Norwood town, Quincy city, Randolph town, Sharon town, Stoughton town, Walpole town, Wellesley town, Westwood town, Weymouth town, and Wrentham town. Plymouth County, MA (part): Carver town (added), Duxbury town, Hanover town, Hanson town, Hingham town, Hull town, Kingston town, Lakeville town, Marshfield town, Middleborough town (added), Norwell town, Pembroke town, Plymouth town (added), Plympton town (added), Rockland town, and Scituate town. Suffolk County, MA: Boston city, Chelsea city, Revere city, and Winthrop town. Worcester County, MA (part): Berlin town, Bolton town (added), Harvard town (added), Hopdale town (added), Lancaster town (added), Mendon town (added), Milford town (added), Southborough town (added), and Upton town.
1125	Boulder-Lorimer, CO PMSA	Boulder County.
1145	Brazoria, TX PMSA	Brazoria County.
1160	Bridgeport-Milford, CT PMSA	Fairfield County, CT (part): Bridgeport city, Easton town, Fairfield town, Monroe town, Shelton city, Stratford town, and Trumbull town. New Haven County, CT (part): Ansonia city (added), Beacon Falls town, Derby city, Milford city, Oxford town (added), and Seymour town (added).
1200	Brockton, MA PMSA	Bristol County, MA (part): Easton town. Norfolk County, MA (part): Avon town. Plymouth County, MA (part): Abington town, Bridgewater town, Brockton city, East Bridgewater town, Halifax town, West Bridgewater town, and Whitman town.
1280	Buffalo, NY PMSA	Erie County.
1600	Chicago, IL PMSA	Cook, DuPage, and McHenry Counties.
1640	Cincinnati, OH-KY-IN PMSA	Clermont, Hamilton, and Warren Counties, OH, Boone, Campbell, and Kenton Counties, KY, and Dearborn County, IN.
1680	Cleveland, OH PMSA	Cuyahoga, Geauga, Lake, and Medina Counties.
1920	Dallas, TX PMSA	Collin, Dallas, Denton, Kaufman, and Rockwall Counties.
1930	Danbury, CT PMSA	Fairfield County, CT (part): Bethel town, Brookfield town, Danbury city, New Fairfield town, Newtown town, Redding town, Ridgefield town (added), and Sherman town (added). Litchfield County, CT (part): Bridgewater town (added) and New Milford town.
2080	Denver, CO PMSA	Adams, Arapahoe, Denver, Douglas, and Jefferson Counties (Gilpin County deleted).
2160	Detroit, MI PMSA	Lapeer, Livingston, Macomb, Monroe, Oakland, St. Clair, and Wayne Counties.
2680	Fort Lauderdale-Hollywood-Pompano Beach, FL PMSA	Broward County.
2800	Fort Worth-Arlington, TX PMSA	Johnson, Parker, and Tarrant Counties (Hood and Wise Counties deleted).
2920	Galveston-Texas City, TX PMSA	Galveston County.
2960	Gary-Hammond, IN PMSA	Lake and Porter Counties.
3200	Hamilton-Middletown, OH PMSA	Butler County.
3320	Honolulu, HI MSA	Honolulu County.
3360	Houston, TX PMSA	Fort Bend, Harris, Liberty, Montgomery and Waller Counties.
3640	Jersey City, NJ PMSA	Hudson County.
3690	Joliet, IL PMSA	Grundy (added) and Will Counties.
3760	Kansas City, MO-KS MSA	Johnson, Leavenworth (added), Miami (added), Wyandotte Counties, Cass, Clay, Jackson, Lafayette (added), Platte and Ray Counties.
3800	Kenosha, WI PMSA	Kenosha County.
3965	Lake County, IL PMSA	Lake County.
4160	Lawrence-Haverhill, MA-NH PMSA	Essex County, MA (part): Amesbury town, Andover town, Boxford town, Georgetown town, Groveland town, Haverhill city, Lawrence city, Merrimac town, Methuen town, Newbury town (added), Newburyport city (added), North Andover town, Salisbury town, and West Newbury town. Rockingham County, NH (part): Atkinson town, Brentwood town (added), Danville town (added), Derry town, East Kingston town (added), Hampstead town, Kingston town, Newton town, Plaistow town, Salem town, Sandown town (added), Seabrook town (added), and Windham town.
4440	Lorain-Elyria, OH PMSA	Lorain County.
4480	Los Angeles-Long Beach, CA PMSA	Los Angeles County.
4560	Lowell, MA-NH PMSA	Middlesex County, MA (part): Billerica town, Chelmsford town, Dracut town, Dunstable town (added), Lowell city, Pepperell town (added), Tewksbury town, Tyngsborough town, and Westford town. Hillsborough County, NH (part): Pelham town.
5000	Miami-Hialeah, FL PMSA	Dade County.
5015	Middlesex-Somerset-Hunterdon, NJ PMSA	Hunterdon (added), Middlesex, and Somerset Counties.
5080	Milwaukee, WI PMSA	Milwaukee, Ozaukee, Washington, and Waukesha Counties.
5120	Minneapolis-St. Paul, MN-WI MSA	Anoka, Carver, Chisago, Dakota, Hennepin, Isanti (added), Ramsey, Scott, Washington, and Wright Counties, MN, and St. Croix County, WI.
5190	Monmouth-Ocean, NJ PMSA	Monmouth and Ocean (added) Counties.
5350	Nashua, NH PMSA	Hillsborough County, NH (part): Amherst town, Brookline town (added), Hollis town (added), Hudson town, Litchfield town (added), Merrimack town, Milford town, Mont Vernon town (added), Nashua city, and Wilton town (added). Rockingham County, NH (part): Londonderry town.
5380	Nassau-Suffolk, NY PMSA	Nassau and Suffolk Counties.
5600	New York, NY PMSA	Bronx, Kings, New York, Putnam, Queens, Richmond, Rockland, and Westchester Counties.
5640	Newark, NJ PMSA	Essex, Morris, Sussex (added), and Union Counties.
5700	Niagara Falls, NY PMSA	Niagara County.
5760	Norwalk, CT PMSA	Fairfield County, CT (part): Norwalk city, Weston town, Westport town, and Wilton town.

## SCHEDULE C—CONTRACT RENT ANNUAL ADJUSTMENT FACTORS—DEFINITIONS OF REGIONS AND METROPOLITAN STATISTICAL AREAS—Continued

Code	Area title	Definition
5775	Oakland, CA PMSA	Alameda and Contra Costa Counties.
5950	Orange County, NY PMSA	Orange County.
6000	Oxnard-Ventura, CA PMSA	Ventura County.
6160	Philadelphia, PA-NJ PMSA	Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, PA, Burlington, Camden, and Gloucester Counties, NJ.
6280	Pittsburgh, PA PMSA	Allegheny, Fayette (added), Washington, and Westmoreland Counties.
6440	Portland, OR PMSA	Clackamas, Multnomah, Washington, and Yamhill (added) Counties.
6600	Racine, WI PMSA	Racine County.
6780	Riverside-San Bernardino, CA PMSA	Riverside and San Bernardino Counties.
7040	St. Louis, MO-IL PMSA	Franklin, Jefferson, St. Charles, and St. Louis Counties, MO, St. Louis city, MO, Clinton, Jersey, Madison, Monroe, and St. Clair Counties, IL.
7090	Salem-Gloucester, MA PMSA	Essex County, MA (part): Beverly city, Danvers town, Essex town (added), Gloucester city (added), Hamilton town, Ipswich town (added), Manchester town, Marblehead town, Middleton town, Peabody city, Rockport town (added), Rowley town (added), Salem city, Swampscott town, Topsfield town, and Wenham town.
7320	San Diego, CA MSA	San Diego County.
7360	San Francisco, CA PMSA	Marin, San Francisco, and San Mateo Counties.
7400	San Jose, CA PMSA	Santa Clara County.
7485	Santa Cruz, CA PMSA	Santa Cruz County.
7500	Santa Rosa-Petaluma, CA PMSA	Sonoma County.
7560	Scranton-Wilkes-Barre, PA MSA	Columbia (added), Lackawanna, Luzerne, Monroe, and Wyoming (added) Counties.
7600	Seattle, WA PMSA	King and Snohomish Counties.
8040	Stamford, CT PMSA	Fairfield County, CT (part): Darien town, Greenwich town, New Canaan town, and Stamford city.
8200	Tacoma, WA PMSA	Pierce County.
8480	Trenton, NJ PMSA	Mercer County.
8720	Vallejo-Fairfield-NAPA, CA PMSA	Napa and Solano Counties.
8725	Vancouver, WA PMSA	Clark County, WA.
8760	Vineland-Millville-Bridgeton, NJ PMSA	Cumberland County.
8840	Washington, DC-MD-VA PMSA	District of Columbia, Calvert (added), Charles, Frederick (added), Montgomery, and Prince George's Counties, MD, Arlington, Fairfax, Loudoun, Prince William, and Stafford (added) Counties, VA, Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park cities, VA.
9160	Wilmington, DE-NJ-MD PMSA	New Castle County, DE, Salem County, NJ, and Cecil County, MD.

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BILLING CODE 4210-27-M

## NATIONAL LABOR RELATIONS BOARD

## 29 CFR Part 102

## Procedural Rules; Time Periods for Response to Board Actions

AGENCY: National Labor Relations Board.

ACTION: Final rules.

**SUMMARY:** On 1 July 1986 and 28 August 1986, the National Labor Relations Board published revisions to its rules and regulations that govern the time periods for responding to Board action. The published revisions omitted three rules that should have been changed but were not included in the prior publications. These further revisions shall become effective on the same date as the prior published revisions.

EFFECTIVE DATE: September 29, 1986.

**FOR FURTHER INFORMATION CONTACT:** John C. Truesdale, Executive Secretary, 1717 Pennsylvania Avenue, NW., Room 701, Washington, DC 20570, Telephone: (202) 254-9430.

**SUPPLEMENTARY INFORMATION:** Pursuant to its authority under section 6 of the National Labor Relations Act, as amended (29 U.S.C. 156), the National Labor Relations Board is revising its rules and regulations. On 1 July 1986, the Board published in the Federal Register (51 FR 23744) extensive revisions to its

rules that specify the time for responding to Board action. On 28 August 1986, the Board published in the Federal Register (51 FR 30635) revisions to two additional rules.

There are three revisions to the Board's rules that were omitted from these prior publications. In each of the three rules, the filing period is increased to provide for additional time for filing to compensate for the elimination of the 3-day period when service is by mail. Consistent with the prior published changes, the new time limits have been established as 7 days, or some multiple of that period, from the date of Board action to avoid the occurrence of a filing date on a Saturday or Sunday.

Section 102.69(h) of the Board's rules and regulations established the time for filing objections to a revised tally of ballots. This section presently provides for a 3-day period in which to file objections after the revised tally of ballots "has been furnished." Consistent with the prior changes in the time periods for filing with the Board, including objections to elections (§ 102.69(a)), the new time period for filing is 7 days, which reflects the elimination of the 3-day period for mail service and a further increase in time to utilize a 7-day period. Under the present rule, § 102.69(h) states that a revised tally of ballots be furnished to the parties to an election. As was noted with regard to § 102.69(a), under Board case law "furnished" is not the equivalent of "service." *Jacksonville Journal Co.*, 117 NLRB 360 (1957); *F. W. Woolworth Co.*, 214 NLRB 805 (1974).

Therefore, section 102.69(h) is now revised to provide that the 7-day period begins to run from the time when the revised tally of ballots is made available.

Section 102.111(b), included in the 1 July 1986 Federal Register publication (51 FR 23749), specified five exceptions to the general rule in § 102.111(a) that deposit of a document in the mails on the day preceding the filing date constitutes timely filing. One of these exceptions is "objections to elections" (§ 102.111(b)(3)), and that provision is amended to additionally include "objections to revised tallies" because of the need to promptly resolve representation issues.

Section 102.132 establishes the procedure for reporting *ex parte* communications. The section presently provides for a 10-day period, following the Executive Secretary's service of public record materials that reflect the *ex parte* communication, within which any party may file a statement in response to the prohibited communication. The new time period for responding is 14 days, which reflects the elimination of the allowance of 3 additional days for service by mail and the utilization of a multiple of 7 days.

Section 102.150(b) presently provides for a 30-day extension of time for filing an answer to an application under the Equal Access to Justice Act when a statement of intent to negotiate a settlement is filed by the parties. The new period is 35 days, which is the same time period within which the General Counsel will be required to file an

answer (§ 102.150(a) (51 FR 23750)), and conforms the time period to the 7-day cycle.

#### List of Subjects in 29 CFR Part 102

Administrative practice and procedure, Labor management relations.

Accordingly, 29 CFR Part 102 is amended to read as follows:

#### PART 102—[AMENDED]

1. The authority citation for 29 CFR Part 102 continues to read as follows:

Authority: Section 6, National Labor Relations Act, as amended (29 U.S.C. 151, 156). Section 102.117(c) also issued under section 552(a)(4)(A) of the Freedom of Information Act, as amended (5 U.S.C. 552(a)(4)(A)). Sections 102.143(c) through 102.55 also issued under section 504(c)(1) of the Equal Access to Justice Act, as amended (5 U.S.C. 504(c)(1)).

2. Section 102.69 is amended by revising paragraph (h) to read as follows:

**§ 102.69 Election procedure; tally of ballots; objections; certification by the regional director; report on challenged ballots; report on objections; exceptions; action of the Board; hearing.**

(h) In any such case in which the regional director or the Board, upon a ruling on challenged ballots, has directed that such ballots be opened and counted and a revised tally of ballots issued, and no objection to such revised tally is filed by any party within 7 days after the revised tally of ballots has been made available, the regional director shall forthwith issue to the parties certification of the results of the election, including certifications of representative where appropriate, with the same force and effect as if issued by the Board. The proceeding shall thereupon be closed.

3. Section 102.111 is amended by revising paragraph (b) as follows:

#### **§ 102.111 Time computation.**

(b) When the act or any of these rules require the filing of a motion, brief, exception, or other paper in any proceeding, such document must be received by the Board or the officer or agent designated to receive such matter before the close of business of the last day of the time limit, if any, for such filing or extension of time that may have been granted. In construing this section of the rules, the Board will accept as timely filed any document which is hand delivered to the Board on or before the

due date or postmarked on the day before (or earlier than) the due date; documents which are postmarked on or after the due date are untimely: *Provided, however,* the following documents must be received on or before the close of business of the last day for filing:

(1) Charges filed pursuant to section 10(b) of the act (see also § 102.14).

(2) Applications for awards and fees and other expenses under the Equal Access to Justice Act.

(3) Objections to elections and revised tallies.

(4) Petitions to revoke subpoenas.

(5) Petitions filed pursuant to section 9(c) of the act.

4. Section 102.132 is amended to read as follows:

#### **§ 102.132 Reporting of prohibited communications; penalties.**

(a) Any Board agent of the categories defined in section 102.128 to whom a prohibited oral *ex parte* communication is attempted to be made shall refuse to listen to the communication, inform the communicator of this rule, and advise him that if he has anything to say it should be said in writing with copies to all parties. Any such Board agent who receives, or who makes or knowingly causes to be made, an unauthorized *ex parte* communication shall place or cause to be placed on the public record of the proceeding: (1) The communication, if it was written, (2) a memorandum stating the substance of the communication, if it was oral, (3) all written responses to the prohibited communication, and (4) memoranda stating the substance of all oral responses to the prohibited communication.

(b) The executive secretary, if the proceeding is then pending before the Board, the administrative law judge, if the proceeding is then pending before any such judge, or the regional director, if the proceeding is then pending before a hearing officer or the regional director, shall serve copies of all such materials placed on the public record of the proceeding on all other parties to the proceeding and on the attorneys of record for the parties. Within 14 days after the mailing of such copies, any party may file with the executive secretary, administrative law judge, or regional director serving the communication, and serve on all other parties, a statement setting forth facts or contentions to rebut those contained in the prohibited communication. All such responses shall be placed in the public record of the proceeding, and provision

may be made for any further action, including reopening of the record which may be required under the circumstances. No action taken pursuant to this provision shall constitute a waiver of the power of the Board to impose an appropriate penalty under § 102.133.

5. Section 102.150 is amended by revising paragraph (b) to read as follows:

#### **§ 102.150 Answer to application; reply to answer; comments by other parties.**

(b) If the General Counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate toward a settlement. The filing of such a statement shall extend the time for filing an answer for an additional 35 days.

Dated, Washington, DC, September 11, 1986.

By direction of the Board.  
National Labor Relations Board.

John C. Truesdale,  
Executive Secretary.

[FR Doc. 86-20937 Filed 9-16-86; 8:45 am]

BILLING CODE 7545-01-M

#### 29 CFR Part 102

#### Procedural Rules; Correction

**AGENCY:** National Labor Relations Board.

**ACTION:** Final rules; correction.

**SUMMARY:** The National Labor Relations Board is correcting a cross-reference error in its procedural rules which were published in the *Federal Register* on Thursday, 28 August 1986 (51 FR 30635).

**FOR FURTHER INFORMATION CONTACT:** John C. Truesdale, Executive Secretary, 1717 Pennsylvania Avenue, NW., Room 701, Washington, DC 20570, Telephone: (202) 254-9430.

#### Correction of Publication

In FR Document 86-19473, beginning on page 30635 in the *Federal Register* issue of Thursday, 28 August 1986, make the following correction:

On page 30636 in § 102.129, paragraph (a), line 6, change "§ 102.113" to "§ 102.114(a)".

Dated, Washington, DC, September 11, 1986.

By direction of the Board.  
National Labor Relations Board.  
John C. Truesdale,  
Executive Secretary.  
[FR Doc. 86-20936 Filed 9-16-86; 8:45 am]  
BILLING CODE 7545-01-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 172

[OPP-00229; FRL-3079-4]

### Experimental Use Permits; Addition of Subpart Heading

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** EPA is adding a heading to Subpart A of 40 CFR Part 172. This change will more clearly distinguish between the Federal issuance of experimental use permits under Subpart A and the State issuance of experimental use permits under Subpart B, which is already identified. This is a nonsubstantive change, does not require proposal with an opportunity for comment, and becomes effective upon publication in the *Federal Register*.

**EFFECTIVE DATE:** September 17, 1986.

**FOR FURTHER INFORMATION CONTACT:** John A. Richards, Federal Register Staff (TS-788B), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. NE-G009, 401 M St., SW., Washington, DC 20460, (202-382-2253).

### List of Subjects in 40 CFR Part 172

Intergovernmental relations, Labeling, Pesticides and pests, Recordkeeping and reporting requirements, Research.

Dated: September 4, 1986.

Douglas D. Campt,  
Director, Office of Pesticide Programs.

### PART 172—[AMENDED]

Therefore, 40 CFR Part 172 is amended as follows:

1. The authority for Part 172 continues to read as follows:

Authority: 7 U.S.C. 136c, 136v, and 136w.

### Subpart A—Federal Issuance of Experimental Use Permits

2. The heading of Subpart A is added to read as above.

[FR Doc. 86-20585 Filed 9-16-86; 8:45 am]  
BILLING CODE 6560-50-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### 43 CFR Public Land Order 6621

[NM-54358]

### New Mexico; Public Land Order 6592; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

**SUMMARY:** This document will correct an error in the land description in Public Land Order 6592 of March 7, 1985.

**EFFECTIVE DATE:** September 17, 1986.

**FOR FURTHER INFORMATION CONTACT:** Kay Thomas, BLM New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87504-1449, 505-988-6326.

By virtue of the authority vested in the Secretary of the Interior, by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714 it is ordered as follows: The land description in Public Land Order 6592 of March 7, 1985, in FR Doc. 85-6481 published at page 10966 in the issue of March 19, 1985, is corrected as follows: "On page 10966, second column, the last line of the land description reading "Sec. 24, SE¼NE¼, E½SW½" should read "Sec. 24, SE¼NE¼, E½SE¼".

J. Steven Giles,  
Secretary of the Interior.  
July 17, 1986.

[FR Doc. 86-20923 Filed 9-16-86; 8:45 am]  
BILLING CODE 4310-84-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Ch. I

[CC Docket No. 84-800, Phase III, FCC 86-354]

### Authorized Rates of Return for the Interstate Services of AT&T Communications and Exchange Telephone Carriers

AGENCY: Federal Communications Commission (FCC).

ACTION: Final rule.

**SUMMARY:** This action prescribes the authorized rates of return to apply to the regulated interstate operations of AT&T, and to the exchange access services of the local exchange carriers. The prescription follows the Commission's earlier determination to represet interstate rates of return every two years. The Commission determined that during 1987 and 1988 the public interest

would best be served by a rate of return of 12.2 percent for AT&T and 12.0 percent for the exchange telephone carriers.

**EFFECTIVE DATE:** October 17, 1986.

**ADDRESS:** Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Steve Goodman, tele: 202-632-0745.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Memorandum Opinion and Order* in CC Docket No. 84-800, Phase III, FCC 86-354, Adopted August 7, 1986, and Released August 25, 1986.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037. Summary of *Memorandum Opinion and Order* 1. In this *Memorandum Opinion and Order*, we are prescribing the interstate rates of return for the upcoming two-year period. In reaching our decision, we utilized the procedures and methodologies adopted in Phase II of this proceeding, as modified on reconsideration. Our goal throughout this proceeding has been to strike a balance between the interest of ratepayers and investors.

2. For the local exchange carriers (LECs), we reviewed numerous estimates of their cost of capital in providing interstate access services. We also determined the weight to be accorded to each of those estimates. In addition to our quantitative analysis, we also reviewed qualitative factors affecting our selection of a LEC rate of return for 1987-1988. After careful consideration of the qualitative and quantitative evidence, we conclude that a rate of return of 12.0 percent for the LECs' interstate access services would best serve the public interest.

3. For AT&T Communications (ATTCOM), we also reviewed numerous estimates of the cost of capital for the provision of regulated interstate services. We determined the weight to be accorded to each of those estimates, as well as the biases inherent in each of the methods for estimating ATTCOM's cost of capital. We additionally considered qualitative factors that were not fully reflected in the numerical estimates. After careful consideration of the qualitative and quantitative evidence, we conclude that for the upcoming two-

year period a rate of return of 12.2 percent would best serve the public interest.

4. Accordingly, it is ordered, That pursuant to 47 U.S.C. 151, 154(i), 154(j), and 201-205, that the rate of return for the regulated interstate services of AT&T Communications is prescribed to be at an annual rate of 12.2 percent, and the rate of return for the interstate access services of the exchange carriers is prescribed to be at an annual rate of 12.0 percent.

5. It is further ordered, that the motions to strike or reply to the Reply Findings of the Federal Agencies are denied.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-20766 Filed 9-16-86; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 65

[CC Docket No. 84-800, Phase II, FCC 86-353]

#### Authorized Rates of Return for the Interstate Services of AT&T Communications and Exchange Telephone Carriers

AGENCY: Federal Communications Commission (FCC).

ACTION: Final rule.

**SUMMARY:** This action responds to petitions for reconsideration of the final Order in Docket 84-800, Phase II, which established the methodology to be used in computing rates of return to apply to the interstate operations of AT&T, and to the exchange access services of the local exchange carriers. The Commission accepted some of the petitioners' arguments, rejected others, and found that some issues warrant further study prior to the next proceeding to set rates of return for 1989-1990.

**EFFECTIVE DATE:** October 17, 1986.

**ADDRESS:** Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Jonathan Canis, (202) 632-7500.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Memorandum Opinion and Order on Reconsideration* in CC Docket No. 84-800, Phase II, FCC 86-353, adopted August 7, 1986 and released August 25, 1986.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230),

1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

#### Summary of Memorandum Opinion and Order on Reconsideration

1. In this *Memorandum Opinion and Order*, we respond to petitions for reconsideration of our final Order in Docket 84-800, Phase II, which established a methodology for calculating rates of return for the interstate operations of the American Telephone and Telegraph Company (AT&T) and for the exchange access services of the local exchange carriers (LECs). In this Order, we accept some of the petitioners' arguments, reject others, and find that some issues warrant further study prior to the next proceeding to set rates of return for 1989-1990. We believe that the approach taken in this Order establishes a fair and balanced methodology for determining rates of return for this rescription period.

2. We reject arguments against prescribing a single rate of return for the LECs. We find that petitioners have failed to show that the differences in risk characteristics of the regional Bell operating companies are so great that a single rate prescription would be unjust or unreasonable. Any carrier that believes it is prejudiced by the unitary prescription has the option of petitioning for individualized treatment. In addition, the time frame for filing such petitions is extended and the four-year showing of harm required in the Phase II Order is reduced to two years. We also note that the unitary grouping issue will be revisited before we compute the next rescription in 1989.

3. We reject the argument that the state authorized rates of return should not be considered in our analysis. The average of state rates will be accorded appropriate weight in the Phase III proceeding, following review of the state submissions and petitioners' comments. We also find that use of two-year historical data in the discounted cash flow (DCF) model is an appropriate and useful addition to our analysis because it avoids temporary and anomalous distortions that occur in the stock markets. We do, however, find merit in petitioners' arguments against overreliance on two-year average data. Therefore, we follow the carriers' suggestions and add to our analysis a DCF model that uses more current data. In addition, we establish new methods for calculating two of the variables,

historical growth and expected dividends, that are used in the DCF models.

4. We reject petitions to reconsider the Phase II Order's criteria for selecting comparable firms, and find that petitioners failed to show that the criteria were unreasonable or inaccurate. We note, however, that neither the comparable firms analysis nor any other specific methodology is perfect, and we remain receptive to recommendations regarding possible improvements to our analysis.

5. We also find unconvincing petitioners' claims that a 50-70 basis point upward adjustment to the carriers' costs of equity is required to allow carriers to recoup flotation costs. Finally, we find that not enough data is available at present to allow capital asset pricing model (CAPM) analysis. We will, however, consider incorporating CAPM into our analysis in the future.

#### Ordering Clauses

6. Accordingly, It Is Ordered, that pursuant to 47 U.S.C. 151, 154 (i) and (j), 201, 202, 203, 205, 213, 215, 218, 219, 220, 403 and 405 and 47 U.S.C. 553, the *Phase II Order* adopted in this proceeding is modified to the extent set forth in this *Memorandum Opinion and Order on Reconsideration*.

7. It Is Further Ordered that the petitions for reconsideration of the *Phase II Order* Are Granted to the extent described in this Order and are otherwise Denied.

8. It Is Further Ordered that the petitions to exceed page limitation filed by Southeastern Bell and NYNEX, and the petition to accept late filed pleadings filed by the Bell Atlantic Task Force Are Granted.

9. It Is Further Ordered that Part 65 of this Commission's Rules is amended as set forth below, effective October 17, 1986.

#### List of Subjects in 47 CFR Part 65

Interstate rate of return, Prescription procedures, and Methodologies.

#### Rule Changes

Part 65 of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 65—INTERSTATE RATE OF RETURN PRESCRIPTION PROCEDURES AND METHODOLOGIES

1. The authority citation for Part 65 continues to read as follows:

Authority: 47 U.S.C. 151, 154, 201, 202, 203, 205, 213, 215, 218, 219, 220, 403.

2. Section 65.101(d) is removed and paragraphs (a) and (b) are revised as follows:

**§ 65.101 Petitions for Exclusion from Group Treatment and Individual Treatment in Determining Authorized Return for Interstate Exchange Access Service.**

(a) Exclusion from the exchange carrier group and individual treatment will be granted for a period of two years if the cost of capital for interstate exchange service, as determined by application of §§ 65.200-65.400, is so low as to be confiscatory because it is outside the zone of reasonableness for the individual carrier's required rate of return for exchange services. To make such a showing, the petitioner shall perform a comparable firms analysis, utilizing the methodologies specified in § 65.400, based upon the interstate operations of the firm for which exceptional treatment is sought. In this regard, the following independently audited quarterly data for two calendar years preceding the petition shall be certified to this Commission and utilized for coefficient of variation analysis of the exchange carrier for whom exceptional treatment is sought:

- (1) Financial statements for the exchange carrier;
- (2) Financial statements of jurisdictionally separated revenues, expenses, net assets, and rate base (see Part 67 of the Commission's Rules, 47 CFR 67.1, et seq.);
- (3) Financial statements of jurisdictionally separated revenues, expenses, net assets, and rate base for each access service rate element as defined in Part 69 of the Commission's Rules, 47 CFR 69.1, et seq.

(b) The petition must make a showing, plead with particularity, that exceptional facts and circumstances justify individual treatment. The showing shall include a demonstration that the exceptional facts and circumstances are not of transitory effect, such that exclusion for a period of at least two years is justified. When a petition is filed at any time other than specified in § 65.102(c)(2), the petitioner must provide compelling evidence that the fluctuation in earnings requirements is not simply the result of short term fluctuations in the cost of capital or similar events.

3. In § 65.102, paragraphs (a) and (c)(2) are revised as follows:

**§ 65.102 Procedures for Filing Rate of Return Submissions.**

(a) Rate of return submissions listed by § 65.102(b) may include relevant evidence other than the data prescribed

by Part 65, subject to the page limitations of § 65.102(b). The Chief, Common Carrier Bureau may require from carriers providing interstate services, and from other participants submitting rate of return submissions, data or studies that are reasonably calculated to lead to a full and fair record.

(c) \* \* \*

(2) Petitions for exclusion from the interstate exchange access group and for individual treatment shall be filed on the same date as the responsive rate of return submissions. Oppositions shall be filed 35 calendar days later. The rebuttal submissions shall be filed 21 calendar days after responsive submissions are filed.

Federal Communications Commission.  
William J. Tricarico,  
Secretary.  
[FR Doc. 86-20767 Filed 9-16-86; 8:45 am]  
BILLING CODE 6712-01-M

**INTERSTATE COMMERCE COMMISSION**

[Ex Parte No. 346 (Sub-No. 19)]

**49 CFR Part 1039**

**Boxcar Car Hire and Car Service**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission adopts proposed rules: (1) Authorizing railroads to impose mileage charges for returning boxcars empty at owners' requests; (2) Authorizing railroads to reclaim car hire on foreign boxcars placed in storage; (3) Excluding cars of Class III and certain Class II railroads from these charges and reclaims; (4) Freezing the prescribed car hire rates on excluded cars; (5) Prohibiting differences in freight rates to shippers located on Class III railroads based on car ownership or car hire cost; and (6) Retaining regulation of joint rates on traffic of shippers located on Class III railroads. These rules incorporate a joint proposal of several interested parties on regulation of boxcar car hire. They are intended to enhance the efficiency of boxcar use while protecting the financial well-being of smaller railroads.

**EFFECTIVE DATE:** October 16, 1986.

**FOR FURTHER INFORMATION CONTACT:**

Donald Shaw, Jr. (202) 275-7245  
or  
Thomas Gire (202) 275-1723

**SUPPLEMENTARY INFORMATION:** Proposed rules were published at 50 FR 49576, December 3, 1985, and the time for filing comments was extended at 50 FR 52973, December 27, 1985.

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area), or toll-free (800) 424-5403.

This action will not have a significant impact on a substantial number of small entities and will not significantly affect the quality of the human environment or energy conservation.

**List of Subjects in 49 CFR Part 1039**

Agricultural commodities, Intermodal transportation, Railroads.

For the reasons set forth in the preamble and explained fully in the decision, Part 1039 of Title 49, Code of Federal Regulations, is amended as set forth below.

**PART 1039—CONTRACTS AND EXEMPTIONS**

1. The authority citation for Part 1039 is revised to read as follows:

Authority: 49 U.S.C. 10321, 10505, 10713, 10762, 11105 and 11122; 5 U.S.C. 553.

2. The heading and paragraph (c) of § 1039.14 are revised and paragraph (b)(7) is added to read as follows:

**§ 1039.14 Boxcar transportation exemption and rules.**

(b) \* \* \*

(7) Freight rates applicable to boxcar traffic originating or terminating at an industry facility served physically by a Class III rail carrier, to the extent provided in paragraphs (c)(4) and (c)(5) of this section.

(c)(1) Except as provided in paragraph (c)(2) of this section, carriers are authorized to take the following actions with respect to boxcar equipment use:

(i) Assess charges for empty movement of cars where movements are made at the request of the car owner, the Association of American Railroads, or the Commission. The empty mileage charge is subject to a maximum of 35 cents per mile, as adjusted for inflation or deflation using the rail cost adjustment factors published periodically by the Commission in Ex Parte No. 290 (Sub-No. 2), *Railroad Cost Recovery Procedures*. In applying those factors, the figure of 35 cents will be treated as having been in effect on October 1, 1982.

(ii) Store empty cars and reclaim car hire payments beginning at the expiration of a 72-hour grace period after the car is made empty.

(iii) Negotiate bilateral agreements governing car hire rates, empty movements, and storage.

(2) The authorization in paragraphs (c)(1) (i) and (ii) of this section will not apply to excluded carriers, as defined in paragraph (c)(2)(i) of this section, nor will it apply to any boxcar which, on December 30, 1983, was owned or leased by a carrier which then would have qualified as an excluded carrier and which bears the reporting marks of an excluded carrier.

(i) An "excluded carrier" is a Class III carrier or a Class II carrier not affiliated with one or more Class I carriers. To be affiliated, the Class II carrier must be more than 50 percent owned by one or more Class I carriers.

(ii) The boxcar exclusion of paragraph (c)(2) of this section will apply:

(A) To an excluded boxcar whenever it is owned or leased by any Class III carrier and bears a Class III carrier's reporting marks; and

(B) To an excluded boxcar owned or leased by an excluded Class II carrier during a 4-year period beginning with the effective date of this rule, so long as such boxcar has not been otherwise owned or leased by another carrier during such 4-year period.

(iii) The exclusion will not apply during any period in which an excluded boxcar is leased or assigned to a Class I or affiliated Class II carrier. If an excluded Class II carrier becomes a Class III carrier within said 4-year period, that carrier will thereafter, for purposes of this rule, be treated as if it had been a Class III carrier on December 30, 1983.

(iv) Nothing in paragraph (c)(2) of this section will affect the right of any carrier to negotiate bilateral agreements governing car hire rates and rules.

(3) The hourly and mileage car hire rates in effect on January 1, 1985, as published in AAR Traffic Circular No. OT-10, for any boxcar excluded under paragraph (c)(2) of this section, will remain in effect without regard to the aging of such car subsequent to January 1, 1986, and any modification to the existing car hire formula will not apply to such cars. Any improvements subsequent to January 1, 1985, to the excluded boxcars capitalized under OT-37 criteria or under rebuilt criteria will be subject to the same formula applicable to OT-37 or rebuilt cars under Ex Parte No. 334 or any other railroad car hire proceeding, including any efficiency ratio, if adopted.

(4) No freight rate made effective after April 1, 1985, that applies to traffic moving by boxcar and originating or terminating at an industry facility

served physically by a Class III rail carrier may discriminate while these rules are in effect on the basis of:

(i) the ownership of the boxcar used or the reporting marks any such boxcar bears;

(ii) the car hire rate applicable to the boxcar used; or

(iii) any car hire discounts, in the form of reclaims or otherwise, available to any carriers with respect to the boxcar used.

Except as prohibited above, carriers may use car ownership or car marks for identification purposes when establishing rates.

(5) The provisions of 49 U.S.C. 10705 and 10705a applicable to joint rates and through routes will be effective as to rates and routes applicable to boxcar traffic originating or terminating at an industry facility served physically by a Class III rail carrier.

Decided: August 27, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley. Chairman Gradison and Commissioner Andre dissented with separate expressions.

Noreta R. McGee,

Secretary.

[FR Doc. 86-20889 Filed 9-15-86; 8:45 am]

BILLING CODE 7035-01-M

# Proposed Rules

Federal Register

Vol. 51, No. 180

Wednesday, September 17, 1986

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Federal Grain Inspection Service

#### 7 CFR Part 68

#### Proposed Revision of the U.S. Standards for Lentils, Review of the U.S. Standards for Whole Dry Peas and U.S. Standards for Split Peas

##### Correction

In FR Doc. 86-19217 beginning on page 30368 in the issue of Tuesday, August 26, 1986, make the following correction: On page 30369, in the table in the second and third columns in the heading, "Foreign material" should have appeared over the "Total" and "Stones" columns, and not over the column entitled "Skinned lentils".

BILLING CODE 1505-01-M

### Agricultural Marketing Service

#### 7 CFR Parts 911 and 915

#### Limes and Avocados Grown in Florida; Proposed Amendments to Container and Pack Regulations

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would: (1) Add a new size designation "jumbo" to the container marking regulations for very large limes, (2) change the dimensions specified for one lime and two avocado containers, and (3) remove five currently authorized avocado containers which are no longer used. Currently there is no provision for labeling containers for very large or "jumbo" size limes and the dimensions of some containers being supplied to shippers vary slightly from those listed in the regulation. The proposed change in container marking requirements and container dimensions, and the removal of unused containers is designed to bring the regulatory requirements into

conformity with the current needs of the Florida lime and avocado industries.

**DATE:** Comments must be received by October 17, 1986.

**ADDRESSES:** Comments should be sent to: Docket Clerk, F&V, AMS, Room 2085-S, U.S. Department of Agriculture, Washington, DC 20250. Two copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Ronald L. Cioffi, Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250, telephone (202) 447-5697.

**SUPPLEMENTARY INFORMATION:** This proposed rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein. Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

It is estimated that 26 handlers of Florida limes and 34 handlers of Florida avocados under the marketing orders for limes and avocados grown in Florida will be subject to regulation during the course of the current season and that the great majority of these firms may be classified as small entities. The proposed change to add a new size designation for very large or "jumbo" size limes will permit the shipment of such fruit and lessen the regulatory burden on handlers. The proposed change in the dimensions of the lime and avocado containers recognizes that the equipment used to manufacture them changes slightly over time. Adjusting the

container dimensions in the regulation is the most expedient method of dealing with this deviation. In the absence of regulation changes, handlers would have to request the manufacturers to reset their equipment. This would result in an unnecessary added expense which would be passed on to handlers. The proposed change to eliminate avocado container sizes no longer in use merely brings the regulation into conformity with industry practice and would have no impact on handler costs. The net result of these proposed changes is to lessen the regulatory burden upon lime and avocado handlers, the greater number of whom are classified as small business entities.

Marketing agreement and Order Nos. 911 and 915 regulate the handling of limes and avocados, respectively, grown in Florida. The programs are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Florida Lime Administrative Committee and Florida Avocado Administrative Committee established under the orders are responsible for their local administration.

The Lime Administrative Committee unanimously recommended adding a new size designation to Table 1 in § 911.311. The new size designation is "jumbo" with a count of fewer than 25 fruit per 10-pound sample. The addition of this size designation would allow handlers to ship good quality larger sized limes and take advantage of the premium prices such fruit garners in the marketplace. This also could benefit producers' returns.

The committee also recommended changing slightly the dimensions of one of the lime containers in use from 11 1/4 inches by 7 1/2 inches by 5 1/2 inches to 11 1/2 inches by 7 1/2 inches by 6 3/4 inches. The committee reports that the machinery used in the manufacture of cartons changes slightly over time, and that manufacturers are now supplying shippers with containers which differ in dimension slightly from those currently authorized. Changing the container dimensions specified in the regulation is designed to make the regulatory requirements conform with the containers currently used.

The Avocado Administrative Committee recommended changing the dimensions of the containers specified in paragraphs (a)(2) and (a)(9) of

§ 915.305. The container in paragraph (a)(2) would be changed from 14½ x 11½ and depth ranging from 3½ to 5 inches to 16½ x 13½ and depth varying from 3¼ to 5 inches, while that of (a)(9) would be changed from 11¼ x 16¾ x 3¾ inches to 11¼ x 16¾ and depth varying from 3½ to 4½ inches. As in the case of the lime container, extended production runs over time have changed the dimensions of two avocado containers from those currently authorized. Because of the time and cost involved for manufacturers to shut down and reset the equipment, the committee believes changing the dimensions in the regulation to be the most expedient method of bringing industry practice and regulatory requirements into agreement.

The committee also recommended eliminating one of the four containers specified in paragraph (a)(1) of § 915.305, and eliminating the four containers specified in paragraphs (a)(3), (a)(5), (a)(6), and (a)(7) of § 915.305. These containers are no longer in use, and therefore no longer need to be included in the regulation. The regulation now authorizes the use of several other containers of similar dimensions, so that if these containers are removed, the industry will continue to have an adequate number of different containers to ship the avocado crop.

#### List of Subjects in 7 CFR Parts 911 and 915

Marketing agreements and orders,  
Limes, Avocados

#### PART 911—LIMES GROWN IN FLORIDA

1. The authority citation for 7 CFR Part 911 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 911.311 is hereby amended by revising Table 1 in paragraph (a)(5) to read as follows:

#### § 911.311 Lime Pack Regulation 9.

- (a) \* \* \*
- (5) \* \* \*

TABLE 1

Column 1 size designations	Column 2 size range
72	68 to 76.
63	59 to 67.
54	51 to 58.
48	45 to 51.
42	39 to 44.
36	33 to 38.
28	25 to 32.
Jumbo	24 and larger.

3. Section 911.329 is hereby amended by revising paragraph (a)(2)(xi) to read as follows:

#### § 911.329 Lime Regulation 27.

- (a) \* \* \*
- (2) \* \* \*
- (xi) Containers with inside dimensions of 11½ x 7½ x 6¾ inches: Provided, \* \* \*

#### PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

1. The authority citation for 7 CFR Part 915 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 915.305 is hereby amended by removing paragraphs (a)(3) (a)(5), (a)(6), and (a)(7), by revising paragraphs (a)(1), and (a)(2), by redesignating (a)(4) as (a)(3), by redesignating (a)(8) as (a)(4), by revising and redesignating (a)(9) as (a)(5), and by redesignating (a)(10) through (a)(16) as (a)(6) through (a)(12), respectively.

#### § 915.305 Florida Avocado Container Regulation 5.

- (a) \* \* \*
- (1) Containers with inside dimensions of 11 x 16¾ x 10 or 13½ x 16½ x 9 or 12¾ x 15¼ x 10¾ inches: Provided, \* \* \*
- (2) Containers with inside dimensions of 16½ x 13½ and depth varying from 3¼ to 5 inches: Provided, \* \* \*

- (5) Containers with inside dimensions of 11¼ x 16¾ and depth varying from 3½ to 4½ inches.

Dated: September 9, 1986.

Joseph A. Gribbin,  
Director, Fruit and Vegetable Division,  
Agricultural Marketing Service.  
[FR Doc. 86-20793 Filed 9-16-86; 8:45 am]  
BILLING CODE 3410-02-M

#### FEDERAL HOME LOAN BANK BOARD 12 CFR Part 563

[No. 86-962]

#### Regulation of Direct Investment by Insured Institutions

Dated: September 11, 1986.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board ("Board"), as the operating head of the Federal Savings and Loan

Insurance Corporation ("FSLIC"), is proposing to amend its regulation governing investments by institutions the accounts of which are insured by the FSLIC ("insured institutions") in equity securities, real estate, service corporations, and operating subsidiaries ("direct investments"). The amendment would defer the expiration of the rule from January 1, 1987, to January 1, 1989. The Board is specifically requesting comment on the administrative flexibility of the direct investment rule and the continued need for the rule in its present form in light of the Board's recent adoption of higher regulatory capital requirements for insured institutions.

DATE: Comments must be received on or before October 17, 1986.

ADDRESS: Send comments to Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552. Comments will be available for public inspection at this address.

#### FOR FURTHER INFORMATION CONTACT:

Joseph Longino, Special Counsel, Regulations and Legislation Division, Office of General Counsel, (202) 377-6440, or Joseph A. McKenzie, Director, Policy Analysis Division, Office of Policy and Economic Research, (202) 377-6763, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: On January 31, 1985, the Board adopted a new regulation governing direct investments by insured institutions. Board Res. No. 85-79-A, 50 FR 6912 (Feb. 19, 1985) (codified at 12 CFR 563.9-8). The regulation created a process of supervisory review and approval by the Board's Principal Supervisory Agents ("PSAs") of certain types of direct investment and of aggregate direct investment above certain threshold amounts. The regulation includes qualitative criteria for investment by institutions in equity securities, as well as diversification requirements applicable to investment in any one issuer of securities or in any one real estate project. The direct investment regulation was designed to allow institutions the flexibility to exercise their investment powers, as independently authorized by applicable law, in a manner that would expose neither the institutions themselves nor the FSLIC insurance fund to an unacceptable level of risk, while at the same time ensuring that these institutions continue to fulfill their

obligation to provide economical home financing.

Because of the complexity of the problems the rule sought to address, the Board believed it important to assess, after sufficient experience with the rule, whether the approach taken had been effective in controlling risk and whether further regulatory action was required. 50 FR at 6927. Paragraph (h) of the direct investment rule therefore provided for the expiration of the rule on January 1, 1987. In fulfilling its regulatory responsibilities to the public, the Board would in any event have re-examined the rule. See Resolution Regarding Regulatory Simplification, Board Res. No. 80 584, 45 FR 63135, 63136 (Sept. 23, 1980) (Board will periodically review regulations). As a result of this review, the Board is proposing to extend the rule for two years by amending paragraph (h) to provide for the expiration of the rule on January 1, 1989, rather than January 1, 1987.

A recent empirical study, conducted by James R. Barth, R. Dan Brumbaugh, Jr., and Daniel Sauerhaft of the Board's Office of Policy and Economic Research ("OPER"), has investigated the relationship between the level of direct investment in failed institutions and the costs to the FSLIC of their failure. Failure Costs of Government-Regulated Financial Firms: The Case of Thrift Institutions (June 1986) (available for inspection in the Board's public reading room).

The OPER study examined 324 insured institutions that failed during the period from December 1981 through October 1985. The results, which are significant at the 95 percent confidence level, indicate that the level of direct investment in a failed institution is positively related to the FSLIC's costs. Depending on which specification is used, the study indicates that direct investment by a failed institution increased FSLIC costs between 60 and 85 cents for each additional dollar of direct investment. Thus, the OPER study, based on the most comprehensive set of available data, provides strong evidence that direct investments by institutions that fail significantly increase the FSLIC's costs.

Moreover, the Board's supervisory experience persuasively suggests that, despite the Board's statement of accounting policy for acquisition, development, and construction loans, misclassification of direct investments as land loans and nonresidential construction loans causes empirical studies such as the OPER study to understate substantially the effect of direct investments on FSLIC costs. See Board Res. No. 85-291, 50 FR 18233

(April 30, 1985) (codified at 12 CFR 571.17).

Consider, for example, the implications of data from three states—California, Florida, and Texas—that have granted state-chartered institutions expansive investment powers. In these three states at year-end 1984, a total of 265 of the 298 state-chartered institutions that were in existence for the period from December 1981 to March 1986 reported direct investments, and the average level of aggregate direct investment was 188 percent of their regulatory capital, a percentage which grew to 191 percent at year-end 1985 and to 209 percent at the end of March 1986. The average level of their combined direct investments, land loans, and nonresidential construction loans stood at 689 percent of regulatory capital at year-end 1984 and 633 percent at the end of March 1986.

For the 163 Texas institutions with direct investments at year-end 1984, the average level of aggregate direct investment as a percentage of regulatory capital was roughly comparable, increasing from 143 percent to 209 percent between year-end 1984 and the end of March 1986. The average level of their combined direct investments, land loans, and nonresidential construction loans, however, was substantially larger for the same period, increasing from 972 percent to 990 percent of regulatory capital. The actual levels of direct investments in the portfolios of many such institutions, as well as their impact on FSLIC costs, are probably substantially understated.

Not only do the best available data indicate continued need for the direct investment rule, but also experience under the paragraph (g) waiver provision of the rule suggests that the PSAs are exercising the flexibility that the Board built into the rule. Since adoption of the direct investment rule, 140 institutions have applied for permission to engage in direct investments beyond the supervisory thresholds established by the rule. Sixty-one of these applications have been approved, 14 have been denied, 23 have been withdrawn before formal action was taken, and 42 applications are pending. Thus, only 14 percent of the 98 applications acted upon have been denied, and over one-third of these denials related to applications by a single institution.

The House Committee on Government Operations concluded that "[a]s long as the FSLIC fund remains impaired, . . . the Federal Home Loan Bank Board's direct investment rule . . . is an appropriate and necessary restriction." Federal

Regulation of Direct Investments by Savings and Loan Associations, H.R. Rep. No. 358, 99th Cong., 1st Sess. 14 (Nov. 5, 1985). The Board notes that the FSLIC fund is under significant financial stress and that the new OPER study persuasively indicates that direct investments by failed institutions significantly increase costs to the FSLIC. The results of the OPER study supplement the theoretical evidence and supervisory experience that the Board cited in adopting the rule. See 50 FR at 6914-20. The Board's supervisory experience since the adoption of the rule strongly supports extension of the rule. Direct investments, often misclassified as loans, have been a principal source of severe losses to many institutions and have led, or will lead, to failure and extensive costs to the FSLIC. Mindful that the Committee praised the flexibility of the rule attributable to its waiver process and sunset provision, H.R. Rep. No. 358 at 40, the Board is proposing to extend the rule—including its waiver provision—for two more years.

The Board understands that rewards as well as risks are associated with direct investments. When properly underwritten, direct investments may be profitable for an institution and may sometimes offer some positive diversification benefits for the entire portfolio. Because the cost of higher expected returns is greater risk, however, the Board wishes to retain its authority to review direct investments when they constitute a significant portion of an institution's portfolio. The retention of this authority should not be a source of concern to institutions because, as the Board has noted above, in the great majority of waiver applications acted upon in the past year and a half, the Board's PSAs have permitted insured institutions to increase their holdings of direct investments.

The Board specifically requests comment on the administrative flexibility of the direct investment rule and the continued need for the rule in its present form in light of the Board's recent adoption of higher regulatory capital requirements for insured institutions, including increased reserves against direct investments and new reserves against land loans and nonresidential construction loans, many of which, because of their economic substance, should be accounted for as direct investments. See Board Res. No. 86-857 (final rule adopted Aug. 15, 1986, to be codified at 12 CFR 563.13); Board Res. No. 86-426, 51 FR 16550 (May 5,

1986) (proposed rule adopted April 24, 1986).

Pursuant to the rulemaking policies and procedures of 12 CFR 508.13, as supplemented by Board Res. No. 80-584, 45 FR 63135 (Sept. 23, 1980), the Board is providing for a 30-day rather than a 60-day public comment period because the direct investment rule has been previously published for public comment and because the public interest requires prompt Board action.

#### Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, 5 U.S.C. 603, the Board is providing the following regulatory flexibility analysis:

1. *Reasons, objectives, and legal basis underlying the proposed rule.* These elements are incorporated above in **SUPPLEMENTARY INFORMATION.**

2. *Small entities to which the proposed rule would apply.* The Small Business Administration defines a small financial institution as "a commercial bank or savings and loan association, the assets of which, for the preceding fiscal year, do not exceed \$100 million." 13 CFR 121.13(a). Therefore, small entities to which the proposed rule would apply are the 1,742 insured institutions that had assets totaling \$100 million or less as of December 31, 1985.

3. *Impact of the proposed rule on small entities.* The rule would impose no new recordkeeping or reporting requirements on any insured institution. An institution seeking a waiver of any of the rule's provisions pursuant to paragraph (g) of the rule must file an application with its PSA (and, if it is state-chartered, send a copy to its state supervisor), but the required contents of such an application do not exceed information which would be maintained in the ordinary course of business by a well managed institution. The Board therefore believes that the proposed rule would not have a significant economic impact on small institutions. In fact, the proposed rule should assist in maintaining and improving the safety and soundness of all insured institutions, regardless of size.

4. *Overlapping or conflicting federal rules.* There are no known federal rules that duplicate, overlap, or conflict with this proposal.

5. *Alternatives to the proposed rule.* In **SUPPLEMENTARY INFORMATION** above the Board is soliciting comment on possible alternatives to the proposed rule.

#### List of Subjects in 12 CFR Part 563

Bank deposit insurance, Investments, Reporting and recordkeeping requirements, Savings and loan associations,

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Part 563, Subchapter D, Chapter V, Title 12, Code of Federal Regulations, as set forth below.

#### Subchapter D—Federal Savings and Loan Insurance Corporation

#### PART 563—OPERATIONS

1. The authority citation for Part 563 continues to read as follows:

Authority: Sec. 10, 47 Stat. 725, as amended (12 U.S.C. 1421 *et seq.*); sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended (12 U.S.C. 1425a); sec. 4, 80 Stat. 824, sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1425b and 1437); sec. 2, 48 Stat. 128, as amended (12 U.S.C. 1462); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); sec. 202, 96 Stat. 1489, as amended (12 U.S.C. 1729(f)); secs. 401-407, 48 Stat. 1255-1260, as amended (12 U.S.C. 1724-1730); sec. 408, 82 Stat. 5, as amended (12 U.S.C. 1730a); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-1948 Comp., p. 1071.

#### § 563.9-8 [Amended]

2. Paragraph (h) of § 563.9-8 is amended by deleting the date "January 1, 1987" and inserting in lieu thereof the date "January 1, 1989".

By the Federal Home Loan Bank Board.  
Nadine Y. Washington,  
Acting Secretary.

[FR Doc. 86-21006 Filed 9-16-86; 8:45 am]

BILLING CODE 6720-01-M

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Parts 21 and 23

[Docket No. 024CE, Notice No. 23-ACE-24]

#### Special Conditions; Petersen Aviation, Inc., Modified Cessna Model 320 Series, Model 340 Series, and Model 335 Series Airplanes To Incorporate Anti-Detonation Injection (ADI) System Provisions

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed special conditions.

**SUMMARY:** This notice proposed to adopt special conditions for Petersen Aviation, Inc., modified Cessna Aircraft Company Model 320 Series, Model 340 Series, and Model 335 Series Airplanes to incorporate ADI system provisions. The certification basis for the existing type design of these airplanes does not contain adequate or appropriate safety standards for these systems. This notice proposes additional airworthiness standards which the Administrator finds necessary to establish a level of safety

equivalent to the original certification basis for these airplanes.

**DATE:** Comments must be received on or before October 13, 1986.

**ADDRESS:** Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, ACE-7, Attn: Rules Docket Clerk, Docket No. 024CE, Room No. 1558, 601 East 12th Street, Kansas City, Missouri 64106. All comments must be marked: Docket No. 024CE. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Oscar Ball, Aerospace Engineer, Aircraft Certification Division, 601 East 12th Street, Room 1656, Federal Office Building, Kansas City, Missouri 64106, telephone (816) 374-5688.

#### SUPPLEMENTARY INFORMATION:

#### Comments Invited

Interested persons are invited to participate in the making of these special conditions by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified in this notice. All communications received on or before the closing date for comments specified in this notice will be considered by the Administrator before taking action on these proposals. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available in the Rules Docket for examination by interested parties both before and after the closing date for submission of comments.

#### Type Certification Basis

The certification basis for the Cessna Aircraft Company Model 320 Series, Model 340 Series, and Model 335 Series Airplane is as follows:

*Model 320 Series:* Part 3 of the Civil Air Regulations effective May 15, 1956, as amended by 3-1 through 3-5.

*Model 340 Series:* Part 3 of the Civil Air Regulations effective May 15, 1956, as amended by 3-1 through 3-5 and 3-8, except Subpart B; and Part 23 Subpart B and 23.959, 23.1041 and 23.1305(p) of the Federal Aviation Regulations effective February 1, 1965, as amended by 23-1 through 23-7 and the following exemption No. 1435, FAR 23.1387(d) [CAR 3.702] "Aft Position Light Vertical Angle Coverage."

*Model 340A and 335:* Part 3 of the Civil Air Regulations effective May 15,

1956, as amended by 3-1 and 3-5 and 3-8, except Subpart B and paragraphs 3.437 (a), (b), (c), (d), (f), 3.581, and 3.666. Include the following portions of FAR 23, dated February 1, 1965, as amended by 23-1 through 23-7: Subpart B and paragraphs 23.959, 23.1041 and 23.1305(p). Include paragraphs 23.1387(e) as amended by 23-12, 23.1327 as amended through 23-23, and FAR 36, dated December 1, 1969, as amended by 36-1 through 36-4 (36-10, Model 335). Findings of equivalent level of safety were made for CAR 3.757 and 3.778(a).

*S/N 340-0301 and up, Models 340A and 335*—Markings, placards and manuals are primarily in knots instead of m.p.h., as required by CAR 3, but permitted by FAR 23, Amendment 23-7.

*S/N 340A0201 and up, and Model 335*: In addition to the above certification basis, compliance with ice protection has been demonstrated in accordance with FAR 23.1419 of Amendment 23-14 effective December 20, 1973, when ice protection equipment is installed in accordance with the Pilot's Operating Handbook and Factory Kit (FK) No. 194.

*S/N 335-0001 and up*: In addition to the above certification basis, installed oxygen systems must comply with FAR 23.1441 of Amendment 23-9, effective June 17, 1970, to make the airplane eligible for operation at altitudes where supplemental oxygen is mandatory. In addition, any special conditions which result from this proposal.

### Background

On March 25, 1986, Petersen Aviation, Inc., Route 1, Box 18, Minden, Nebraska 68959, submitted an application for Supplemental Type Certificate (STC) approval of the design changes necessary to incorporate an ADI system on the Cessna Model 320 Series airplanes. This installation incorporates ADI tanks, pumps, lines, and associated control systems to supply ADI fluid to the engines in measured quantities to allow the engines to be operated on automobile gasoline (autogas). The engines will be previously certificated for use of autogas with ADI independently of the airplane installation certification. Petersen Aviation, Inc., has indicated to the FAA that they plan substantially equivalent modifications to several other makes and models of small airplanes.

### Discussion

The installation of ADI systems in small airplanes was not envisioned when the certification basis for the subject airplanes was established. In addition, the Administrator has determined that the current Part 23 does not contain adequate or appropriate

safety standards for ADI systems; therefore, an ADI system is considered a novel and unusual design feature.

Special conditions may be issued and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.101(b)(2) do not contain adequate or appropriate safety standards because of the novel and unusual design features of the airplane. Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice, as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and will become part of the type certification basis, as provided by § 21.101(b)(2).

While developing these special conditions, the FAA determined that the ADI fluid used in this system (a mixture of 60% alcohol and 40% water) is a flammable fluid in the same volatility class as gasoline and, as such, must be handled and protected in the same manner. Therefore, these special conditions require the ADI fluid systems to meet essentially the same standards as the airplane fuel system.

The FAA has considered the features proposed by Petersen Aviation, Inc. for the ADI installation in the Cessna Model 320 Series, Model 340 Series, and Model 335 airplanes and has concluded that, notwithstanding the existing requirements applicable to these airplanes which did not envision the use of such systems, special conditions should be promulgated for such systems. In addition to the applicable requirements, that will provide the necessary level of safety. Accordingly, special conditions are proposed.

### List of Subjects in 14 CFR Parts 21 and 23

Aviation safety, Aircraft, Air transportation, Safety, Tires.

The authority citation for these special conditions is as follows:

Authority: Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1956, as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 21.18 and 21.101; and 14 CFR 11.28 and 11.29(b).

### The Proposed Special Conditions

Accordingly, the Federal Aviation Administration proposes the following special conditions as a part of the type certification basis for Cessna Model 320 Series, Model 340 Series, and Model 335 airplanes modified to incorporate the Petersen Aviation, Inc. Anti-Detonation Injection (ADI) system.

1. Each Anti-Detonation Injection (ADI) system must meet the applicable

requirements for the design of a fuel system as specified in § 23.951 (a) and (b); § 23.953 (a) and (b); § 23.954, § 23.955 (a) and (c)(1); § 23.959; § 23.961; § 23.963 (a), (d), and (e); § 23.965(a)(1); § 23.967 (a) (1) and (2), (b), (c), (d), and (e); § 23.969; § 23.971; § 23.973 (a), (b), and (c); § 23.975(a) (1), (2), (3), (5), (6), and (7); § 23.977 (a)(2), (b), (c), and (d); § 23.991; § 23.993; § 23.995; § 23.997 (a), (b), (c), and (d); § 23.999; § 23.1141 (a), (b), (c), (d), (f), and (g); § 23.1143 (a), (e), and (f); § 23.1189 (a) and (c); and § 23.1337 (a), (b) (1), (2), (3), and (4), and (c) of the Federal Aviation Regulations, dated February 1, 1965, as amended through Amendment 23-30, except as set forth in Sections 2 through 4 of these special conditions.

2. For ADI systems, replace the word "fuel" with the words "ADI fluid" in all Part 23 sections listed in Section 1 of these special conditions, as appropriate. In addition, certain listed sections are amended as follows:

(a) In § 23.955(a) General. In the first sentence, replace the first portion of the first sentence with "The ability of the ADI system to provide ADI fluid at a flow rate and pressure sufficient for proper engine operation must be shown. . . ."

(b) In § 23.955(c)(1), replace the entire subparagraph (c)(1) with "This flow rate is required for each primary pump and each alternate pump, when the pump is supplied with normal voltage."

(c) In § 23.967(d), delete the first sentence. In the second sentence, delete the phrase, "of a single engine airplane".

(d) In § 23.971, replace paragraph (a) with "(a) Each ADI fluid tank must be drainable in the normal ground attitude". Replace paragraph (b) with "(b) Each drain required by paragraph (a) of this section must comply with the provisions of § 23.999(b)".

(e) In § 23.991, replace paragraph (a) with "(a) Primary pumps. (1) The pump which supplies ADI fluid to an engine during normal (nonfailure) operation of the system is a primary pump and there must be one primary pump for each engine. (2) It must be possible to bypass or flow ADI fluid through each primary pump." Replace paragraph (b) with "(b) Alternate provisions to permit continued supply of ADI fluid to the engine in the event of primary pump failure must be incorporated in the installation. Any pump used for that purpose will be an alternate pump for that engine. In paragraph (c), replace the word "normal" with the word "primary" and the word "emergency" with the word "alternate".

(f) In § 23.997, replace paragraph (d) with "(d) Have the capacity (with respect to operating limitations established for the ADI system) to ensure that ADI system functioning is not impaired, with the ADI fluid contaminated to a degree (with respect to particle size and density) that is greater than that established for proper operation of the ADI system." and add a new paragraph, "(e) Be located with respect to any pressure or flow sensing devices such that the blockage of the filter will be detected by this device".

(g) In § 23.999, delete subparagraph (b)(1).

(h) In § 23.1141(a), delete paragraphs (d) and (e) of § 23.777 which are incorporated by reference.

(i) In § 23.1141(a), delete subparagraph (e)(1) of § 23.1555 which is incorporated by reference.

(j) In § 23.1143, as applies to the control and shutoff of the ADI system, add, "In addition, there must be an indicator or warning light that indicates the proper operation or malfunction of the ADI system."

3. If the ADI fluid is injected into the induction air ducts, it must be injected in a location where the discharge, distribution, or atomization of the fluid will not be affected by operation on either primary or alternate air.

4. ADI System Markings. The ADI filler openings must be conspicuously marked at or near the filler cover with: (a) the words "ADI fluid"; and (b) the capacity of the tank in either pounds or gallons consistent with other ADI system markings.

Issued in Kansas City, Missouri on September 4, 1986.

**Jerold M. Chavkin,**

*Acting Director, Central Region.*

[FR Doc. 86-20920 Filed 9-16-86; 8:45 am]

BILLING CODE 4910-13-M

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 30

#### Foreign Options and Foreign Futures Transactions

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Further extension of comment period.

**SUMMARY:** On April 8, 1986, the Commission published in the *Federal Register* a notice of proposed rulemaking on the regulation of foreign options and foreign futures transactions in the United States. 51 FR 12104. The *Federal Register* release seeks public comment on the Commission's proposed regulations governing the offer and sale of options and futures contracts traded on or subject to the rules of a foreign board of trade. The comment period on the notice of proposed rulemaking expired on July 7, 1986. The Commission subsequently extended that comment period to September 30, 1986. 51 FR 24852 (July 9, 1986).

By letter dated August 25, 1986, the Futures Industry Association ("FIA"), on behalf of its members, has requested a forty-five-day extension of the comment period to November 14, 1986, so that it may fully address the issues raised in the notice of proposed rulemaking. Specifically, the FIA has requested the additional time so that it may present to the Commission, data compiled by

several member firms on the organizational, operational and systems changes that may result in the event the Commission's proposed rules are adopted. In order to ensure that all interested parties have an opportunity to submit meaningful comments, the Commission has determined to grant the request for a further extension of the comment period.

**DATES:** Accordingly, notice is hereby given that all comments on the Commission's notice of proposed rulemaking on the regulation of foreign options and foreign futures transactions in the United States (51 FR 12104, April 8, 1986) must be submitted by November 14, 1986.

#### FOR FURTHER INFORMATION CONTACT:

Jane C. Kang, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254-8955.

Issued in Washington, DC, on September 11, 1986, by the Commission.

**Jean A. Webb,**

*Secretary to the Commission.*

[FR Doc. 86-20939 Filed 9-11-86; 8:45 am]

BILLING CODE 6351-01-M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Parts 1 and 602

[LR-18-85]

#### Special Rules Relating to Nuclear Decommissioning Costs; Public Hearing on Proposed Regulations

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Notice of public hearing on proposed regulations.

**SUMMARY:** This document provides notice of a public hearing on proposed regulations with respect to special rules relating to nuclear decommissioning costs.

**DATES:** The public hearing will be held on Wednesday, October 22, 1986, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by Thursday, October 9, 1986.

**ADDRESS:** The public hearing will be held in the IRS Commissioner's Conference Room, Third Floor, Room 3313, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, ATTN: CC:LR:T (LR-18-85), Washington, DC 20224.

#### FOR FURTHER INFORMATION CONTACT:

Faye Easley of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, 20224, telephone 202-566-3935 (not a toll-free call).

**SUPPLEMENTARY INFORMATION:** The subject of the public hearing is proposed regulations under sections 88 and 468A of the Internal Revenue Code of 1954. The proposed regulations appeared in the *Federal Register* for Thursday, July 10, 1986 (51 FR 25070).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit, not later than Thursday, October 9, 1986, an outline of oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

**Donald E. Osteen,**

*Director, Legislation and Regulations Division.*

[FR Doc. 86-21048 Filed 9-16-86; 8:45 am]

BILLING CODE 4830-01-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 261

[SW-FRL-3072-3]

#### Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusions

#### Correction

In FR Doc. 86-19710, beginning on page 31140, in the issue of Tuesday,

September 2, 1986, make the following corrections:

On page 31143, third column, in Table 4, under the category "Best fit", both entries of " $8.5 \times 10^{-4}$ " should read " $8.5 \times 10^{-9}$ ". Also under the category "95 percent confidence", " $1.2 \times 10^{-3}$ " should read " $1.2 \times 10^{-9}$ " and " $1.1 \times 10^{-3}$ " should read " $1.1 \times 10^{-9}$ ".

BILLING CODE 1505-01-M

# Notices

Federal Register

Vol. 51, No. 180

Wednesday, September 17, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF COMMERCE

### Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census

Title: 1987 Test Census-Precensus and

Postcensus Local Review Recanvass

Form number: Agency—DF-108A;

OMB—NA

Type of request: New collection

Burden: 300 respondents; 9 reporting hours

Needs and uses: Localities will be given the opportunity to review census counts twice; once before questionnaires are mailed and again after the enumeration is complete. Enumerators recanvass those census blocks with discrepancies in the counts to detect possible coverage or geographic problems.

Affected public: State or local governments

Frequency: One time

Respondent's obligation: Voluntary

OMB Desk officer: Timothy Sprehe, 395-4814

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Timothy Sprehe, OMB Desk Officer, Room 3225, New Executive Office Building, Washington, DC 20503.

Dated: September 12, 1986.

Ed Michals,

*Departmental Clearance Officer Information Management Division, Office of Information Resources Management.*

[FR Doc. 86-21015 Filed 9-16-86; 8:45 am]

BILLING CODE 3510-07-M

### Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census

Title: Report of Building or Zoning Permits Issued and Local Public Construction

Form number: Agency—C-404; OMB—0607-0094

Type of request: Revision of a currently approved collection

Burden: 16,800 respondents; 23,088 reporting hours

Needs and uses: The collected data will provide one of the few monthly measures of economic activity available for small geographic areas. The series on housing authorizations, a component of the index of leading economic indicators, is also used to estimate housing starts

Affected public: State or local governments

Frequency: Monthly

Respondent's obligation: Voluntary  
OMB Desk officer: Timothy Sprehe, 395-4814

Agency: Bureau of the Census

Title: Survey of Income and Program Participation—1987 Panel Core, Waves 1-8

Form number: Agency—SIPP-7100-7800,7001,7105; OMB—0607-0425

Type of request: Revision of a currently approved collection

Burden: 24,360 respondents; 24,360 reporting hours

Needs and uses: This data will provide statistics on multiple reciprocity of benefits of major Government programs, to support policy analyses and monthly program participation. This data, not previously available, will be used by the Executive and Legislative Branches of the Government

Affected Public: Individuals or households

Frequency: Three times per year  
Respondent's obligation: Voluntary  
OMB Desk officer: Timothy Sprehe, 395-4814

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collections should be sent to Timothy Sprehe, OMB Desk Officer, Room 3225, New Executive Office Building, Washington, DC 20503.

Dated: September 12, 1986.

Edward Michals,

*Departmental Clearance Officer, Information Management Division.*

[FR Doc. 86-21016 Filed 9-16-86; 8:45 am]

BILLING CODE 3510-07-M

## International Trade Administration

### Carbon Steel Wire Rod From South Africa; Final Results of Countervailing Duty Administrative Review

**AGENCY:** International Trade Administration/Import Administration, Department of Commerce.

**ACTION:** Notice of final results of countervailing duty, administrative review.

**SUMMARY:** On August 14, 1984, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on carbon steel wire rod from South Africa. The review covers the period July 1, 1982 through December 31, 1982 and eleven programs.

We gave interested parties an opportunity to comment on the preliminary results. After reviewing all of the comments received, the Department has determined the total bounty or grant during the period of review to be 1.66 percent *ad valorem*.

**EFFECTIVE DATE:** September 17, 1986.

**FOR FURTHER INFORMATION CONTACT:** Sylvia Chadwick or Lorenza Olivas, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

## SUPPLEMENTARY INFORMATION: Background

On September 27, 1982, the Department of Commerce ("the Department") published in the *Federal Register* (47 FR 42396) a countervailing duty order on carbon steel wire rod from South Africa. We began this review of the order under our old regulations and published the preliminary results of our review on August 14, 1984 (49 FR 32431). On October 10, 1985, after the promulgation of our new regulations, the petitioners, Continental Steel Corporation, Georgetown Steel Corporation, North Star Steel Texas, Inc., Raritan River Steel Company, and Atlantic Steel Company, requested in accordance with section 355.10 of the Commerce Regulations that we complete that administrative review. The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

## Scope of the Review

Imports covered by the review are shipments of South African wire rod. Such merchandise is currently classifiable under item 607.1700 of the Tariff Schedules of the United States Annotated. The review covers the period July 1, 1982 through December 31, 1982 and eleven programs: (1) Export Incentive Program—Categories A, B and D; (2) government assumption of financing charges; (3) exemption from the payment of stamp duties; (4) a loan from the General Levy and Import Subsidy Scheme; (5) Industrial Development Corporation loans; (6) preferential rail rates; (7) loans to uncreditworthy companies; (8) government equity participation; (9) government loan guarantees; (10) regional decentralization program; and (11) beneficiation allowances for mineral processors. During the period of review, the South African Iron and Steel Corporation ("ISCOR") was the only known exporter of South African wire rod to the United States.

## Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. At the request of ISCOR, we held a public hearing on October 4, 1984.

**Comment 1:** ISCOR argues that the benefit from the South African government's assumption of 70 million rand of ISCOR's financing charges in 1978 should be expensed in that year. There are no rational reasons for the Department to allocate this benefit over 15 years.

**Department's Position:** In the appendix to the final affirmative countervailing duty determination and order on cold-rolled carbon steel flat-rolled products from Argentina (49 FR 18006, April 26, 1984) ("the Subsidies Appendix"), we stated that the cash flow does not provide guidance in allocating the benefits from a grant since the difference in cash flow occurs only at a single moment in time (when the grant is received). Also, we have consistently maintained that we are not bound by accounting practices when choosing an allocation period. Instead, as mandated by Congress, we seek an allocation period that reflects the commercial and competitive benefit of the subsidy. The commercial and competitive benefit of the forgiveness of 70 million rand in financing charges obviously has economic effects that extend beyond the year of receipt. In order to measure this benefit, we have chosen a standard period—the average useful life of an industry's renewable physical assets as determined by the U.S. Internal Revenue Service. For the steel industry, the period is 15 years. This standard offers predictability in the outcome of the Department's proceedings and eliminates inconsistent results among companies or countries.

**COMMENT 2:** ISCOR argues that the Department should not have added a dividend yield to the earnings yield when calculating the national rate of return on equity in South Africa because the earnings yield incorporates the dividend yield.

**Department's Position:** We agree and have adjusted our calculations accordingly. Because of this correction, we determine the benefit from the government's assumption of financing charges to be 0.43 percent *ad valorem*. No other programs are affected by this change.

**Comment 3:** ISCOR argues that Act 96 of June 23, 1982 did not exempt it from the payment of stamp duties for the period 1968 through 1982. The purpose of Act 96 was to deprive ISCOR of a legal defense which otherwise have precluded any liability for stamp duties after 1982. ISCOR had not been liable for any duties prior to the Act, and therefore, Act 96 could not confer a subsidy.

**Department's Position:** Act 96 confirmed that ISCOR was not liable during the period 1968 to 1982 for duties that had been levied by the Stamp Duty Act of 1968. ISCOR's special exemption from stamp duties when other South African companies were liable for similar duties constitutes a countervailable benefit.

**Comment 4:** ISCOR argues that it received no Industrial Development Corporation ("IDC") loans during the review period and, therefore, received no countervailable benefits from such loans. In support of its contention, ISCOR's auditors and the IDC submitted statements that ISCOR had received no such loans.

**Department's Position:** At verification, we were allowed to see a worksheet listing loans, but ISCOR did not allow us to tie this worksheet to the company's loan ledger or to actual loan documents. Since we were not allowed to verify the completeness of the worksheet, we determine as the best information available that ISCOR did receive IDC loans and that the benefit is equal to the highest *ad valorem* benefit received by a South African company from this program in any other South African case. The statements from ISCOR and the IDC cannot resolve the issue in light of the failed verification.

**Comment 5:** ISCOR argues that the differential between export and domestic railroad rates did not provide a benefit during the review period because this differential was offset by new contracts that were signed by ISCOR in 1983 but backdated to April 1, 1982. To carry out the retroactive provisions of these contracts, the South African Transport Services ("SATS") made reconciliations of past consignment notes to account for differences between the actual rates charged after April 1, 1982 and the rate in the contracts. These reconciliations were finished by March 1984, when SATS collected from ISCOR (the only company for which reconciliations were necessary) the difference between what the company actually paid and what it should have paid according to the contract. Because ISCOR made this payment, there is no benefit from the railroad rate differential.

ISCOR further argues that although it did not make this interest-free payment until 1984, the Department should not find an interest benefit for the late payment. SATS has a general policy of not charging interest on accounts receivable, so interest-free payments are generally available.

**Department's Position:** During the investigation, the South African government agreed to charge the same rail rate for all steel shipments that met certain full-car and full-train load conditions regardless of destination. Previously, only export shipments had been eligible for this lower rate. This change was to become effective on April 1, 1982, but SATS did not make the change until July 1982. In 1983, SATS signed contracts with those South

African steel producers whose shipments had previously been eligible for the special export rates. These contracts confirmed the adjustments SATS made in July 1982. However, the new contract rates were made retroactive to April 1, 1982. These retroactive changes meant that SATS had to make reconciliations—some reflecting overpayments, others underpayments—for all shipments after April 1, 1982.

When we published our preliminary notice, SATS had not been able to demonstrate that it had completed the rail rate reconciliations. Since that time, it has shown us that the reconciliations were completed in March 1984. These reconciliations showed that ISCOR had been undercharged. Therefore, SATS debited ISCOR's account for the underpayment but did not charge interest.

Since SATS eliminated the rail rate differential in July 1982 and then, as a result of the contracts, established new rates retroactive to April 1, 1982 that also eliminated the differential, we determine that preferential rail rates did not provide a benefit during the review period.

However, since SATS did not charge ISCOR interest on its underpayment, we treated this late payment as a short-term, interest-free loan. We consider the nature of this underpayment to differ from SATS' normal accounts receivable and, therefore, disregard ISCOR's contention that SATS does not charge interest on these accounts. We determine the benefit to ISCOR from this interest-free payment to be 0.03 percent ad valorem.

*Comment 6:* In its preliminary results in this case, the Department stated that before publishing its final results, it might give further consideration to the issue of whether investment in ISCOR was commercially reasonable. ISCOR argues that the Department has already adequately considered this issue both in its original investigation and in its preliminary results of this review. In addition, the Department has indicated that it considers more recent rather than more remote data when making decisions on the reasonableness of investment. Therefore, there is no need for it to consider the years prior to 1977.

*Department's Position:* In our preliminary results of review, we relied primarily on a trend analysis from 1978 through 1982 to evaluate the commercial reasonableness of investment in ISCOR.

However, under the methodology outlined in the Subsidies Appendix, we look to see whether a benefit from an equity infusion exists in each year of a 15-year period, the average useful life of

renewable physical assets in the industry under review. Therefore, it is reasonable for the Department to consider infusions before 1978 because they might still provide benefits to ISCOR during the review period. Since ISCOR lost money in 1973 and 1974, there is good reason to establish whether equity infusions during that period were commercially reasonable.

ISCOR misunderstands the Department's policy of looking more closely at a company's recent performance when considering whether investments are commercially reasonable. If we are reviewing investment in 1975, we would give more weight to a company's performance in the early 1970's than in the mid-1960's. This policy does not mean that we only analyze equity infusions in those years closest to the review period.

For our analysis of the reasonableness of investment in ISCOR, see Comment 8.

*Comment 7:* The petitioners argue that the Department should consider whether the railroad rate for steel products destined for export is a preferential rate not only in comparison with the domestic rate for steel products but also in comparison to other products with similar economies of transportation.

*Department's Position:* At verification, we examined the issue of whether railroad rates for steel were preferential in comparison to other products with similar shipping characteristics. SATS argued that all its rates were cost-justified and that in fact it made a profit from its steel shipments. SATS pointed out that the lower rates for steel products in comparison with most other products is due to the lower per ton handling costs for steel. SATS also attempted to make some comparisons to other products, both with lower and higher rates, but none of these was successful because it could not find products that were similar to steel in weight and shipping characteristics.

We also discussed this issue with officials of the U.S. Department of Transportation's Federal Railroad Administration. They indicated that it was almost impossible to make comparisons between products because of the number of variables that play a part in establishing a railroad rate. These variables include the weight, density, and size of the product shipped, the type of railroad car that must be used, the total volume of the product shipped, the ease of handling the product, and the volume of traffic on the particular line over which the product is shipped. The evidence presented to them indicated that the rates for steel that SATS charged seemed reasonable based on the density of the product and

the probable volume. We note that in the overall scale of rates, steel falls roughly in the same place in the South African rate structure as it does in the U.S. rate structure.

*Comment 8:* The petitioners argue that, absent market projections from ISCOR, the Department should find that ISCOR's low rates of return show that equity investment in the company was inconsistent with commercial considerations.

*Department's Position:* For the ten years prior to the review period, we reviewed ISCOR's financial results, the statements of the company's management, and the general outlook for the industry during that period. We evaluated the company's financial statements on an historical cost basis.

This evaluation shows that ISCOR made a profit in every year except in fiscal years 1974 and 1975. The company had a positive net income before interest and taxes and a positive cash flow from operations in every year. The company's liquidity ratios were generally in good order except in fiscal years 1974 and 1975 when the quick ratio was weak. Those two years were also years when ISCOR had negative returns on equity and on sales. These ratios improved in 1976, fell off in 1977 and 1978, and then remained fairly strong through 1982. The company's debt load, as shown by its debt/equity ratio, grew in the early 1970's, reaching a peak in 1976 at a ratio of slightly greater than two to one. It then tapered off to more manageable levels over the rest of the decade. Although its debt level was high, ISCOR earned enough to cover its interest charges in all years except 1974 and 1975.

ISCOR's results in the mid-1970's are attributable in part to an expansion program the company began in the early 1970's. At that time, South African demand for steel exceeded the domestic supply, and market projections by ISCOR indicated that this situation would continue throughout the decade. Based on those market projections, it was reasonable for ISCOR to begin an expansion program at that time. As the chairman's report for 1975 indicates, this expansion, along with the increased interest charges to finance the expansion, accounts for ISCOR's poor return in those years. The report also states that government price controls added to the problem. Nevertheless, considering the costs of its expansion program and the effects of the oil shortage, ISCOR's poor financial results in 1974 and 1975 do not indicate that the company was an unreasonable investment. In the last half of the 1970's,

ISCOR's financial situation improved, although its interest charges remained high. Yet, considering the general slump in the worldwide steel industry at that time, ISCOR's results were those of a relatively healthy company.

The Department considers a company to be a reasonable commercial investment if it can generate a reasonable rate of return within a reasonable period of time. Although ISCOR's financial results were weak in the mid-1970's, the company did not suffer from deep or continuing losses. We therefore determine that equity investments in ISCOR were consistent with commercial consideration for the fiscal years from 1973/74 through 1982.

#### Final Results of Review

After reviewing all of the comments received, we determine the total bounty or grant to be 1.66 percent *ad valorem* for the period of review.

The Department will instruct the Customs Service to assess countervailing duties of 1.66 percent of the f.o.b. invoice price on any shipments entered, or withdrawn from warehouse, for consumption on or after July 14, 1982 and exported on or before December 31, 1982.

Because the Department has revoked this order effective October 1, 1984, we will instruct the Customs Service not to collect a cash deposit of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, on shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.10 of the Commerce Regulations (50 FR 32556, August 13, 1985).

Dated: September 12, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 86-21032 Filed 9-16-86; 8:45 am]

BILLING CODE 3510-DS-M

#### Chemical Industry Institute of Toxicology; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and

Constitution Avenue NW., Washington, DC.

Docket number: 86-238. Applicant: Chemical Industry Institute of Toxicology, Research Triangle Park, NC 27709. Instrument: Gas Chromatograph/Mass Spectrometer System, Model MS 80. Manufacturer: Kratos Analytical, United Kingdom. Intended use: See notice at 51 FR 25083.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a guaranteed resolution to 50,000 (10% valley definition), a mass range of 3500 amu at 8kV, scan speeds to 0.1 seconds per decade and MS/MS analysis. These capabilities are pertinent to the applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86-21033 Filed 9-16-86; 8:45 am]

BILLING CODE 3510-DS-M

#### Harvard University; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 86-233. Applicant: Harvard University, Cambridge, MA 02138. Instrument: Atmospheric Gas Analyzer. Manufacturer: Scintrex, Canada. Intended use: See notice at 51 FR 25083.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides in situ measurements of NO<sub>2</sub> concentration directly (without preconversion to NO) with a detection limit of 5.0 parts per trillion. The National Bureau of Standards advises in its memorandum dated August 11, 1986 that (1) this capability is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or

apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86-21034 Filed 9-16-86; 8:45 am]

BILLING CODE 3510-DS-M

#### State University of New York at Stony Brook; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 AM to 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket number: 86-164. Applicant: State University of New York at Stony Brook, Stony Brook, NY 11794-3400. Instrument: Linear Position Sensitive Detector with 2 Preamplifiers, Model 112-5A/10. Manufacturer: Murtechnik, Austria. Intended use: See notice at 51 FR 15820.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument measure x-ray diffraction changes in the order of milliseconds with a spatial resolution of 0.15 millimeters. The National Institutes of Health advises in its memorandum dated July 30, 1986 that (1) this capability is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86-21035 Filed 9-16-86; 8:45 am]

BILLING CODE 3510-DS-M

### Syracuse University; Decision on Application For Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 86-264. Applicant: Syracuse University, Syracuse, NY 13244-1200. Instrument: FTIR Spectrophotometer, Model DA3.15 with Accessories. Manufacturer: Bomem, Inc., Canada. Intended use: See notice at 51 FR 26732.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. Reasons: The foreign article is capable of measuring vibration circular dichroism in the far-infrared region. This capability is pertinent to the applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

Frank W. Creel,

Director, Statutory Import Programs Staff.  
[FR Doc. 86-21036 Filed 9-16-86; 8:45 am]

BILLING CODE 3510-DS-M

### Texas A&M Research Foundation; Decision on Application For Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket number: 86-162. Applicant: Texas A&M Research Foundation, College Station, TX 77843. Instrument: Stopped-Flow Spectrophotometer, Model SF-51 with Accessories. Manufacturer: Hi-Tech Scientific Ltd., United Kingdom. Intended use: See notice at 51 FR 12905.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, we being manufactured in the United States at the

time the instrument was ordered (October 10, 1985). Reasons: The foreign instrument provides a non-metallic, chemically inert flow circuit. The National Institutes of Health advises in its memorandum dated July 30, 1986 that (1) this capability is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use being manufactured at the time the foreign instrument was ordered.

We know of no other domestic instrument or apparatus of equivalent scientific value of the foreign instrument being manufactured at the time the foreign instrument was ordered.

Frank W. Creel,

Director, Statutory Import Programs Staff.  
[FR Doc. 86-21037 Filed 9-16-86; 8:45 am]

BILLING CODE 3510-DS-M

### University of California, Los Alamos National Laboratory; Decision on Application For Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket number: 86-184. Applicant: University of California, Los Alamos National Laboratory, Los Alamos, NM 87545. Instrument: FT Spectrometer, Model DA3.25 with Accessories. Manufacturer: Bomem Inc., Canada. Intended use: See notice at 51 FR 16729.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides an unapodized resolution of  $0.0026 \text{ cm}^{-1}$ . This capability is pertinent to the applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

Frank W. Creel,

Director, Statutory Import Programs Staff.  
FR Doc. 86-21038 Filed 9-16-86; 8:45 am]

BILLING CODE 3510-DS-M

### University of California, et al.; Disposition of Applications for Duty-Free Entry of Scientific Instruments

The U.S. Customs Service has revoked clearance for duty-free entry under item 851.60 TSUS of fifteen applications. Accordingly, we have ceased processing of the following applications:

Docket Number: 81-175. Applicant: University of California, Livermore, CA 94550. Instrument: Phosphate Laser Amplifier Disks. Date revoked: June 14, 1984. Reason: Ineligible components.

Docket Number: 81-241. Applicant: National Aeronautics and Space Administration, Jet Propulsion Laboratory, Pasadena, CA 91109. Instrument: Solar Stirling Engine, Replacement Parts and Special Tooling. Date revoked: April 3, 1985. Reason: Ineligible components.

Docket Number: 81-273. Applicant: Jet Propulsion Laboratory, Pasadena, CA 91103. Instrument: Carcinotron Power Supply, P/N TH20200. Date revoked: March 29, 1985. Reason: Ineligible component.

Docket Number: 82-067. Applicant: University of California, Livermore, CA 94550. Instrument: Line Actuators. Date revoked: March 9, 1985. Reason: Ineligible components.

Docket number: 82-150. Applicant: Michigan Technological University, Houghton, MI 49931. Instrument: Magnetotelluric Exploration System. Date revoked: November 14, 1985. Reason: Commercial use intended.

Docket number: 83-063. Applicant: Michigan Technological University, Houghton, MI 49931. Instrument: Amplifier & Filter Circuit Boards for Magnetotelluric Apparatus. Date revoked: November 14, 1985. Reason: Commercial use intended.

Docket number: 83-238. Applicant: University of Massachusetts, Amherst, MA 01002. Instrument: Laboratory Ram Extruder. Date revoked: March 10, 1986. Reason: Commercial uses intended.

Docket number: 84-318. Applicant: U.S. Environmental Protection Agency Center, Denver, CO 80225. Instrument: ICP Mass Spectrometer. Date revoked: April 23, 1985. Reason: Not intended for scientific research purposes.

Docket number: 85-007. Applicant: University of Illinois, Urbana-Champaign Campus, Champaign, IL 61820. Instrument: Pyrolysis Unit. Date revoked: December 20, 1985. Reason: Commercial use intended.

Docket number: 85-056. Applicant: Texas A&M Research Foundation, College Station, TX 77843. Instrument: Equine Lameness Diagnostic Machine.

Date revoked: October 11, 1985. Reason: Commercial use intended.

Docket number: 85-059. Applicant: Texas A&M Research Foundation, College Station, TX 77843. Instrument: Experimental Chamber to be set up on a cyclotron. Date revoked: February 21, 1985. Reason: No intent to purchase instrument.

Docket number: 85-060. Applicant: Texas A&M Research Foundation, College Station, TX 77843. Instrument: Multistop Time Digitizer. Date revoked: April 30, 1985. Reason: Ineligible component.

Docket number: 85-090. Applicant: Massachusetts Institute of Technology, Cambridge, MA 02139. Instrument: Direct Simple Shear Apparatus. Date revoked: June 19, 1985. Reason: Apparatus is not a complete instrument.

Docket number: 85-247. Applicant: University of California, Livermore, CA 94550. Instrument: Electrolyzer, D.E.M. Type. Date revoked: June 13, 1986. Reason: Applicant not a tax exempt organization.

Docket number: 86-033. Applicant: Solar Energy Research Institute, Golden, CO 80401. Instrument: Calorimeter, Model C-80. Date revoked: May 20, 1986. Reason: Entry preceded date of order.

Frank W. Creel,  
Director, Statutory Import Programs Staff.  
[FR Doc. 86-21039 Filed 9-16-86; 8:45 am]  
BILLING CODE 3510-DS-M

#### University of Notre Dame; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 86-253. Applicant: University of Notre Dame, Notre Dame, IN 46556. Instrument: Laser System with Accessories. Manufacturer: Lumonics, Inc., Canada. Intended Canada. Intended use: See notice at 51 FR 26287.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides high output energy (450-300 mJ at wavelengths 308-350nm) and high energy conversion efficiency (10% at 340 nm). This capability is pertinent to the

applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

Frank W. Creel,  
Director, Statutory Import Programs Staff.  
[FR Doc. 86-21040 Filed 9-16-86; 8:45 am]  
BILLING CODE 3510-05-M

#### University of Wisconsin; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket number: 86-255. Applicant: University of Wisconsin, Eau Claire, WI 54701. Instrument: Electromagnetic Geophysical Survey Instrument, Model EM34-3. Manufacturer: Geonics Limited, Canada. Intended use: See notice at 51 FR 26288.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. Reasons: The foreign article introduces students in Geophysics and Hydrology to the technique of electromagnetic induction in the measurement of ground conductivity mapping of geological sites. This capability is pertinent to the applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

Frank W. Creel,  
Director, Statutory Import Programs Staff.  
[FR Doc. 86-21041 Filed 9-16-86 8:45 am]  
BILLING CODE 3510-05-M

#### Yale University Medical School; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket number: 86-132. Applicant: Yale University Medical School, New Haven, CT 06510. Instrument: Metricell Volumetric System and Data Evaluation Cytonic 12 Microprocessor. Manufacturer: HEKA Electronics, West Germany. Intended use: See notice at 51 FR 17382.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a hydrodynamic focussing device for highly accurate assessment of the measurement of cell volume and a microprocessor for accurate data analysis. The National Institutes of Health advises in its memorandum dated July 24, 1986 that (1) this capability is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,  
Director, Statutory Import Programs Staff.  
[FR Doc. 86-21042 Filed 9-16-86; 8:45 am]  
BILLING CODE 3510-DS-M

#### National Bureau of Standards

##### Precision Measurement Grants

**AGENCY:** National Bureau of Standards, Commerce.

**ACTION:** Announcing Continuation of the NBS Precision Measurement Grants Program.

**SUMMARY:** The purpose of this notice is to inform potential applicants that the National Bureau of Standards (NBS) is continuing a \$180,000 per year program of research grants, formally titled Precision Measurement Grants, to scientists in U.S. academic institutions for significant, primarily experimental research, in the field of precision measurement and fundamental constants. Applications in the form of pre-proposal summaries are now being solicited for two new NBS Precision Measurement Grants to be awarded beginning October 1, 1987 (fiscal year 1988). Each grant is in the amount of \$30,000 per year, renewable at NBS' option for up to two additional years, for a total of \$90,000. Candidate's proposal summaries with biographical

information must reach NBS by February 1, 1987, to be considered for the FY 88 awards.

**FOR FURTHER INFORMATION CONTRACT:** Dr. Barry N. Taylor, Chairman, NBS Precision Measurement Grants Committee, Bldg. 220, Rm. B258, National Bureau of Standards, Gaithersburg, MD 20899, (301) 921-2701.

**SUPPLEMENTARY INFORMATION:** As authorized by section 2 of this Act of March 3, 1901 as amended (15 U.S.C. 272), the National Bureau of Standards (NBS) conducts directly, and through grants and contracts, a basic and applied research program in the general area of precision measurements and the determination of fundamental constants of nature. As part of this research program, NBS has since 1970 awarded Precision Measurement Grants to scientists in U.S. academic institutions for significant, primarily experimental research in the field of precision measurement and fundamental constants.

NBS is now soliciting applications for two new \$30,000 grants to be awarded for the period October 1, 1987 through September 30, 1988 (fiscal year 1988). At NBS' option, each grant may be renewed for up to two additional years for a total of \$90,000.

NBS sponsors these grants to encourage in the colleges and universities fundamental research in the field of measurement science, and to foster contacts between NBS scientists and those researchers in the U.S. academic community who are actively engaged in such work. The Precision Measurement Grants are also intended to make it possible for workers in academic institutions to pursue new measurement ideas for which other sources of support may be difficult to find.

#### Research Topics/Who May Apply

There is a great deal of latitude in the kind of research projects which will be considered for support under the Precision Measurement Grants program. The key requirement is that they generally support NBS work in the field of basic measurement science, for example:

Experimental and theoretical studies of fundamental physical phenomena which may lead to improved or new measurement methods and standards to meet existing or anticipated needs;

The determination of important fundamental physical constants, especially those which may serve as reference standards for measurement;

The development of new standards for physical measurement and the

development of transfer standards and standard measuring instruments; and

General research and development on basic measurement techniques and instrumentation.

In general, proposals for experimental research will be given preference over proposals for theoretical research because of the greater expense of experimental work. Proposals from workers at the assistant and associate professor level who have some record of accomplishment are especially encouraged in view of the comparative difficulty aspiring researchers have in obtaining funds.

Typical projects which have been funded through the NBS Precision Measurement Grants program include:

"Measurement of fundamental constants using three-level resonances in hydrogen," Carl E. Weiman, University of Michigan

"Quantum limited measurement of a harmonic oscillator," William C. Oelfke, University of Central Florida

"Fine-Structure constant determination using precision Stark spectroscopy," Michael G. Littman, Princeton University

"Eötvös experiment-cryogenic version," D.F. Bartlett, University of Colorado

"The quantized Hall resistance as a primary resistance standard," D.C. Tsui, Princeton University

"A test of local Lorentz invariance using polarized  $^{21}\text{Ne}$  nuclei," T.E. Chupp, Harvard University

"A new method to search for an electric dipole moment of the electron," L.R. Hunter, Amherst College

#### Procedures

To simplify the proposal writing and evaluation process, the following selection procedure will be used: Candidates are requested to submit to NBS by February 1, 1987.

*Pre-proposal Summary* with a concise, descriptive title (including the name of the applicant and his/her institution) outlining the Objectives of the proposed research; the Motivation for the research (why you believe the work to be important); and the general technical Approach (including an analysis of relevant parameters such as sensitivity and noise level where appropriate, and some indication of what you expect to accomplish in the potential three-year time period covered by the grant). If the work is or is expected to be supported by other sources of funding, the summary should make clear just what the NBS funds will enable the prospective grant recipient to achieve that could not be achieved with the other funds. Candidates should list all pending proposals and the amount and

source of their current funding. The length of the summary must not exceed five double-spaced pages. A *Biographical Sketch*, including a list of the applicants' most important publications, should be appended to the end of the summary.

Ten copies should be sent to Dr. Barry N. Taylor at the address shown above.

On the basis of this material, four to eight semi-finalist candidates will be selected by the NBS Precision Measurement Grants Committee and the Outside Advisory Committee to submit more detailed proposals. The same committees will evaluate the detailed proposals, and on the basis of their evaluation, the two grantees for fiscal year 1988 will be selected. The semi-finalists will be notified of their status by March 15, 1987, and will be requested to submit their full proposals to NBS by May 1, 1987. The successful grantees will be notified of their selection by August 15, 1987.

The criteria to be used in evaluating the pre-proposals and full proposals include:

1. Importance of the proposed research to science—does it have the potential of opening up a whole new area of activity or will it answer some currently pressing question?

2. The relationship of the proposed research to measurement science—is there a possibility that it will lead to a new or improved basic measurement unit, physical standard, or measurement method? (Or to a better understanding of important, but already existing, measurement units, physical standards, or measurement methods?)

3. The feasibility of the research—is it likely that significant progress can be made in three years' time with the funds and personnel available?

4. The past accomplishments of the applicant—is the quality of the research previously carried out by the prospective grantee such that there is a high probability that the proposed research will be successfully carried out?

Technical Questions concerning the NBS Precision Measurement Grants program may be directed to the above address or call Dr. Taylor or (301) 921-2701. If you have any doubts about whether your proposed topic falls within the subject areas of the program, it is suggested that you contact Dr. Taylor before preparing your pre-proposal summary in order to avoid unnecessary effort.

#### Administrative Information:

Contact: Grants Office, Office of Acquisition and Assistance Division,

Building 301/Rm. B141, National Bureau of Standards, Gaithersburg, MD 20899, (301) 921-2971.

Dated: September 11, 1986.

Ernest Ambler,

Director.

[FR Doc. 86-21011 Filed 9-16-86; 8:45 am]

BILLING CODE 3510-13-M

## National Oceanic and Atmospheric Administration

### Issuance of Letter of Authorization

Notice is given that the National Marine Fisheries Service has issued a Letter of Authorization under the authority of the Marine Mammal Protection Act of 1972, as amended, to conduct activities allowed under 50 CFR Part 228, Subpart C—Taking of Marine Mammals Incidental to Space Shuttle Activities to the following:

U.S. Department of the Air Force,  
Headquarters Space Division, P.O. Box 92960,  
Worldway Postal Center, Los Angeles,  
California 90009.

This Letter of Authorization is valid for the first two launches from Vandenberg Air Force Base, California that produce a focused sonic boom over the Northern Channel Islands, or until the end of the effective date of the regulations, May 7, 1991, whichever occurs first. Also, it is subject to the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing Small Takes of Marine Mammals Incidental to Specified Activities (50 CFR Part 228, Subparts A and C). Also, a take of marine mammals (seals and sea lions) is not authorized from January 1 through February 15 and from May 15 through July 31 of any year until NMFS can determine that an incidental take during these times will have a negligible impact on the species.

This Letter of Authorization is available for review in the following offices:

Assistant Administrator for Fisheries,  
National Marine Fisheries Service,  
1825 Connecticut Avenue, Rm. 805,  
Washington, DC; and

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: September 11, 1986.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

[FR Doc. 86-21019 Filed 9-16-86; 8:45 am]

BILLING CODE 3510-22-M

## Office of Patents and Trademarks

### Revision of the Scope of the Secrecy Order for Defense Agency Use

The Patent and Trademark Office (PTO) is revising the scope and format of the Secrecy Orders issued under the Invention Secrecy Act of 1951, 35 U.S.C. 181 et seq., 37 CFR Part 5. The present forms of Secrecy Orders are very restrictively worded to control disclosure or use of an invention under Secrecy Order. The PTO previously would only authorize disclosure or use of a Secrecy Order invention by the grant of a special permit. Permits authorize limited disclosure and permissible use of the invention depending upon the nature of the technical data and national security controls. To receive a permit, a patent applicant had to petition the Commissioner, or the defense agency sponsoring the Secrecy Order would issue or could have sua sponte issued a permit with the Order.

The revised Secrecy Orders will permit disclosure and use consistent with the national security controls needed on the technical data in a patent application. The features of existing permits are incorporated into the Orders which will eliminate the need, in many cases, for the applicant to separately petition for a permit to authorize various degrees of disclosure or use.

These revisions to the scope and format of a Secrecy Order are intended to place essentially the same national security controls on the technical data in patent applications as those on other types of technical data. With respect to publication or disclosure of information which would, in the opinion of the sponsoring Agency, be detrimental to the national security, the revised Secrecy Orders will be consistent with existing national security and export control procedures. The revised Secrecy Orders will also clarify the procedures for handling and custody of applications subject to a Secrecy Order.

The three new Secrecy Order formats to be used by the defense agencies of the Department of Defense are as follows:

#### (1) Secrecy Order and Permit for Foreign Filing in Certain Countries

This Secrecy Order will be used for those patent applications that contain technical data whose export is controlled by the guidelines contained in DOD Directive 5230.25, dated November 6, 1984, (codified as 32 CFR Part 250) which relates to export control under 10 U.S.C. 140(c) and the Militarily Critical

Technologies List (MCTL). See 50 U.S.C. App. 2404(d).

This Secrecy Order is intended to permit widest utilization of the technical data while still controlling any publication or disclosure which would result in an unlawful exportation. This type of Secrecy Order sets forth the applicable export controls for technical data in either the Commodity Control List (CCL) 15 CFR Parts 379, 399.1 or the Munitions List of the International Traffic in Arms Regulation (ITAR), 22 CFR Part 121.

The countries where corresponding patent applications may be filed will be identified in the Order. The Order specially authorizes use of the invention for legitimate business purposes. The definition of this term in the Order is identical to that found in DOD Directive 5230.25, 32 CFR Part 250. The level of security control requires that the subject matter must be safeguarded under conditions that provide adequate protection and prevent access by unauthorized persons. Additional modifications or permits to the Secrecy Order under 37 CFR 5.1 et seq. will only be needed where the level of disclosure is beyond that specified in the Order.

Following is a sample copy of this type of Secrecy Order.

Serial No.:

Filed:

Applicant:

Title:

Sponsoring Agency & Address:

#### ECCN<sup>1</sup> Reference

Goods Accompanied by Sophisticated Know-How  
Keystone Equipment or Materials

#### ITAR<sup>2</sup> Reference

Goods Accompanied by Sophisticated Know-How

#### Secrecy Order and Permit for Foreign Filing in Certain Countries

(Title 35, United States Code, Sections 181-188 (1952))

Notice: To the applicant(s) above named; his, her, or their heirs; and any and all of the assignees, licensees, attorneys and agents, hereinafter designated principals:

You are hereby notified that the above-identified patent application has been found to contain subject matter which discloses critical technology with military or space application. The unauthorized disclosure of such subject matter would be detrimental to the national security, and you are ordered to keep the subject matter secret (as required by 35 U.S.C. 181) and you are further ordered NOT TO PUBLISH OR DISCLOSE the subject

<sup>1</sup> Export Control Commodity Number (ECCN) on the Commodity Control List (Supplement No. 1 to 15 CFR 399.1).

<sup>2</sup> International Traffic in Arms Regulation (ITAR). 22 CFR 120-130.

matter to any person except as specifically authorized herein.

Any other patent application already filed or hereafter filed in the U.S. or any foreign country which contains any significant part of the subject matter of the above-identified application falls within the scope of this Order. If such other patent application is not under Secrecy Order imposed by the U.S. Patent and Trademark Office, it and the common subject matter need to be brought to the attention of the Director, Group 220, Attn: Licensing and Review, U.S. Patent and Trademark Office, Washington, DC 20231 as soon as possible.

Publication or disclosure of the subject matter of the above-identified patent application, except as authorized herein or subsequently by the Commissioner of Patents and Trademarks, may subject the person publishing or disclosing the subject matter to the penalties of 35 U.S.C. 182, 185 and 186 (1952).

The principals may disclose, for legitimate business purposes,<sup>3</sup> the subject matter of the above-identified application to a U.S. citizen or to a person who is both admitted lawfully into the United States for permanent residence and is located in the United States provided the U.S. citizen or person is furnished with a copy of this Secrecy Order and is informed that this Secrecy Order is applicable to the subject matter disclosed.

Legitimate business purposes include both selling or producing products for the commercial domestic marketplace or for the commercial foreign marketplace, providing that any required expert license is obtained. Legitimate business purposes also include selling or otherwise disclosing technical data to foreign contractors or governments overseas after receiving the required export license or approval by the U.S. Government.

The principals shall notify the Commissioner of Patents and Trademarks if a validated license is obtained from the Office of Export Administration or a license is obtained from the Director, Office of Munitions Control under regulations governing the export of technical data [15 CFR 379 of the Export Administration Regulations or 22 CFR 125 of the International Traffic in Arms Regulations].

The subject matter of the above-identified application has been determined not to be encompassed by E.O. 10865, entitled "Safeguarding of Classified Information Within Industry" or E.O. 12356, entitled "National Security Information" and thus is not subject to the "Industrial Security Manual for Safeguarding Classified Information." However, since the disclosure of the subject matter would be detrimental to the national security, the subject matter must be safeguarded under conditions that will provide adequate protection and prevent access by unauthorized persons. When copies of the subject matter are no longer needed, they should be destroyed by any

method that will prevent disclosure of the contents or reconstruction of the document.

The principals are permitted, subject to the conditions stated hereinafter, to file and prosecute a corresponding application for patent in each of the following countries: Australia, Belgium, Canada, Denmark, France, Federal Republic of Germany, Greece, Italy, Luxembourg, Netherlands, Norway, Portugal, Sweden, Turkey and the United Kingdom. The papers for each foreign application and its prosecution shall be transmitted to the sponsoring agency, identified herein, for forwarding through diplomatic channels for filing in the foreign country either directly by the principals or through the principals' foreign patent attorney or agent if authorized by the foreign government. Correspondence exclusively relating to payments of taxes and fees need not be sent through the sponsoring agency and diplomatic channels provided that such correspondence contains no information pertaining to the subject matter of the above-identified application.

International reciprocal agreements providing for the filing of patent applications under a Secrecy Order in the above identified countries require the principals to furnish to the sponsoring agency identified herein (in addition to the papers to be filed in the foreign patent office) a copy of the specification (including any drawings annexed thereto, any resume and the claims included in the patent application) filed in the patent office of the foreign country. This copy will be furnished to the appropriate defense agency of the foreign government for information only and without prejudice to any rights of the principals. The filing date and serial number of the patent application should also be furnished to the sponsoring agency.

The principals shall request the foreign patent office to place in secrecy the foreign patent applications corresponding to the above-identified application and shall furnish a copy of this Secrecy Order and permit with the first papers to be filed in the foreign patent office.

The foreign government may require a waiver in writing of any claim to compensation for loss or damage due solely to the imposition of secrecy on the invention. Belgium, France, the Federal Republic of Germany, the Netherlands, Turkey and the United Kingdom normally require such a waiver in writing.

This Order should not be construed in any way to mean that the Government has adopted or contemplates adoption of the invention disclosed in this application and it is not any indication of the value of such invention.

Director, Special Laws Administration.

## (2) Secrecy Order and Permit for Disclosing Classified Information

This Secrecy Order will be used for those patent applications which contain technical data that is either classified under Executive Order 12356, National Security Information, 47 FR 14874, August 6, 1982, or properly classifiable under a security guideline where the

patent application owner has a current DOD Security Agreement, DOD Form 441. This Agreement requires the protection of classified technical data as prescribed in the Industrial Security Manual (ISM), DOD 5220.22-M.

The intent of this Secrecy Order is to treat classified technical data in a patent application in the same manner as any other classified material under the Industrial Security Manual (ISM). Accordingly, this Secrecy Order will include a notification of the classification level of the technical data in the application, and provided a level of protection at that classification level. The Order will apply to owners of patent applications who have a current DOD Security agreement (DD Form 441) under the ISM. Additional modifications or permits to the Secrecy Order under 37 CFR 5.1 et seq. will only be needed where the level of disclosure is beyond that specified in the order.

The following is a copy of this second type of Secrecy Order:

Serial No:  
Filed:  
Applicant:  
Title:  
To be protected at Classification Level of:  
Top Secret, Secret, Confidential, or Special Instructions  
Sponsoring Agency & Address:

## Secrecy Order and Permit for Disclosing Classified Information

(Title 35, United States Code, sections 181-188 (1952))

NOTICE: To the applicant(s) above named, his, her, or their heirs; and any and all of the assignees, licensees, attorneys and agents, hereinafter designated principals:

You are hereby notified that the above-identified patent application has been found to contain subject matter which discloses classifiable information. The unauthorized disclosure of such matter would be detrimental to the national security, and you are ordered to keep the subject matter secret (as required by 35 U.S.C. 181) and you are further ordered NOT TO PUBLISH OR DISCLOSE the subject matter to any person except as specifically authorized herein.

Any other patent application already filed or hereafter filed in the U.S. or any foreign country which contains any significant part of the subject matter of the above-identified patent application falls within the scope of this Order. If such other patent application is not under a Secrecy Order imposed by the U.S. Patent and Trademark Office, it and the common subject matter need to be brought to the attention of the Director, Group 220, Attn: Licensing and Review, U.S. Patent and Trademark Office, Washington, DC 20231 as soon as possible.

Publication or disclosure of the subject matter of the above-identified patent application, except as authorized herein or subsequently by the Commissioner of Patent and Trademarks, may subject the person

<sup>3</sup> The term legitimate business purposes is to be interpreted consistent with DOD Directive 5230.25 entitled "Withholding of Unclassified Technical Data From Public Disclosure," issued by the Secretary of Defense on November 6, 1984, 32 CFR Part 250, 49 FR 484040 (December 10, 1984).

publishing or disclosing the subject matter to the penalties of 35 U.S.C. 182, and 186 (1951).

The subject matter of the above-identified application has been determined to be encompassed by E.O. 19865, entitled "Safeguarding of Classified Information Within Industry" or E.O. 12356, entitled "National Security Information" and thus is subject to the "Industrial Security Manual for Safeguarding Classified Information."

The principals shall protect the subject matter as required by the Industrial Security Manual for Safeguarding Classified Information and may disclose the subject matter of the above-identified application to other persons having the requisite clearance on a "need-to-know basis" provided the person to whom the subject matter is disclosed is furnished with a copy of this Secrecy Order and is informed that this Secrecy Order is applicable to the subject matter disclosed. The declassification, in whole or in part, of the subject matter of the above-identified application does not modify this Secrecy Order. The requirements of this Secrecy Order remain in effect until the Secrecy Order is rescinded or modified by the Commissioner of Patent and Trademarks. The fact that the subject matter as a whole is declassified should be brought to the attention of the sponsoring agency.

This permission to disclose does not authorize the disclosure of the subject matter of the above-identified application through (1) the filing of any foreign application without specific permission of the Patent and Trademark Office, or (2) the export of any item or data without any export license which may be required.

This order should not be construed in any way to mean that the Government has adopted or contemplates adoption of the invention disclosed in this application and it is not any indication of the value of such invention.

Director, Special Laws Administration.

### (3) Secrecy Order

This Secrecy Order will be used for those patent applications that contain properly classifiable technical data under a security guideline where the patent application owner does not have a DOD Security Agreement under the ISM.

This Secrecy Order is substantially the same as the Secrecy Order in use up to now, and will be used where the other types of Orders do not apply. This Order may be issued by direction of agencies other than the Department of Defense. Unless issued with the initial Order, modifications to the Secrecy Order and/or permits under 37 CFR 5.1 et seq. will be needed for additional disclosure.

The following is a copy of this third type of Secrecy Order:

Serial No.:

Filed:

Application:

Title:

Sponsoring Agency & Address:

### Secrecy Order

(Title 35, United States Code, sections 181-188 (1952))

NOTICE: To the applicant(s) above named; his, her or their heirs; and any and all of the assignees, licensees, attorneys and agents, hereinafter designated principals:

You are hereby notified that the above-identified patent application has been found to contain subject matter the unauthorized disclosure of which would be detrimental to the national security, and you are ordered to keep the subject matter secret (as required by 35 U.S.C. 181) and you are further ordered NOT TO PUBLISH OR DISCLOSE the subject matter to any person except as specifically authorized by the Commissioner of Patents and Trademarks.

Any other patent application already filed or hereafter filed in the U.S. or any foreign country which contains any significant part of the subject matter of the above-identified patent application falls within the scope of this Order. If such other patent application is not under a Secrecy Order imposed by the U.S. Patent and Trademark Office, it and the common subject matter need to be brought to the attention of the Director, Group 220, Attn: Licensing and Review, U.S. Patent and Trademark Office, Washington, DC 20231 as soon as possible.

Publication or disclosure of the subject matter of the above-identified patent application, except as authorized herein or subsequently by the Commissioner of Patents and Trademarks, may subject the person publishing or disclosing the subject matter to the penalties of 35 U.S.C. 182, 185 and 186 (1952).

Since the disclosure of the subject matter of the above-identified application would be detrimental to the national security, the subject matter must be safeguarded under conditions that will provide adequate protection and prevent access by unauthorized persons. When copies of the subject matter are no longer needed, they should be destroyed by any method that will prevent disclosure of the contents or reconstruction of the document.

This order should not be construed in any way to mean that the Government has adopted or contemplates adoption of the invention disclosed in this application and it is not any indication of the value of such invention.

Director, Special Laws Administration.

Each Secrecy Order forbids the publication or disclosure of the invention except as specially authorized. By revising these Secrecy Orders to conform with existing export and classification authority, the burden on patent applicants to seek additional permits for disclosure and/or foreign filing under 37 CFR Part 5 will be reduced. The new Secrecy Orders reflect the level of secrecy required by law and regulation for various technologies and will place National Security and export controls on the patent application in harmony with other applicable export and classification controls. Also, this

change will reduce the risk of disclosure of the subject matter of the invention by providing greater guidance on the safeguarding of the subject matter invention.

Information regarding the new Secrecy Orders may be obtained by calling Mr. Kenneth L. Cage, Director, Special Laws Administration Group, at (703) 557-2877 or by mail directed to Mr. Kenneth L. Cage, Director, Special Laws Administration, Group 220, Washington, DC 20231.

Donald W. Peterson,  
Deputy Commissioner of Patents and Trademarks.

September 9, 1986.

[FR Doc. 86-21023 Filed 9-16-86; 8:45 am]

BILLING CODE 3510-16-M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Import Limits for Certain Textile and Apparel Products Produced or Manufactured in the Philippines

September 11, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on September 18, 1986. For further information contact Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

### Background

A CITA directive dated December 20, 1985 (50 FR 52830) established limits for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines and exported during the agreement year which began on January 1, 1986 and extends through December 31, 1986.

At the request of the Government of the Republic of the Philippines, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 24, 1982, as amended between the Governments of the United States and the Republic of the Philippines, the 1986 limits for Categories 330, 331, 333/334, 335-NT, 335-T, 336-T, 338/339, 340, 341-NT, 342-NT, 347, 348-NT, 433, 435, 443, 445/446, 459, 633, 634, 635-T, 636-NT, 638/639, 641-NT, 641-T, 643, 645/646-NT, 646-T, 647, 648-NT, 648-T, 650 and 659-T are

being adjusted, variously, by the application of swing, carryover and carryforward used. To the extent the carryforward was used in 1985, it is being deducted from the category limits established for the affected categories in 1986. The limits for Categories 330, 336-T, 435, 459, 634, 643, 647, 648-NT, 650 and 659-T are being reduced to account for increases in other category limits.

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to control entry into the United States for consumption, or withdrawal from warehouse for consumption for the first time in 1986, of textile products in Category 459, at the designated adjusted limit. The Commissioner is further directed to adjust the restraint limits previously established for the categories as indicated.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 11, 1986.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 20, 1985 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1986 and extends through December 31, 1986.

Effective on September 18, 1986, the directive of December 20, 1986 is hereby further amended to include the following adjusted restraint limits:<sup>1</sup>

<sup>1</sup> The agreement provides, in part, that: (1) Specific limits may be exceeded during the agreement year by designated percentages; (2) Specific limits may be adjusted for swing, carryover and carryforward; and (3) Administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Category	Adjusted 12-month limit <sup>1</sup>
330.....	1,257,252 dozen.
331.....	718,776 dozen pair.
333/334.....	86,788 dozen.
335-NT.....	39,579 dozen.
335-T.....	46,923 dozen.
36-T.....	421,829 dozen.
336/339.....	961,650 dozen.
340.....	283,334 dozen.
341-NT.....	114,555 dozen.
342-NT.....	71,834 dozen.
347.....	334,767 dozen.
348-NT.....	250,936 dozen.
433.....	2,880 dozen.
435.....	2,168 dozen.
443.....	2,421 dozen.

<sup>1</sup> The limits have not been adjusted to account for any imports exported after December 31, 1985.

Category	Adjusted limit <sup>1</sup> (dozen)
445/446.....	18,502
633.....	21,098
634.....	230,725
635-T.....	45,193
636-NT.....	53,909
638/639.....	1,044,825
641-NT.....	225,418
641-T.....	92,678
643.....	51,656
645/646-NT.....	107,806
646-T.....	304,199
647.....	99,496
648-NT.....	67,469
648-T.....	223,243
650.....	17,889
659-T.....	4,099,681

<sup>1</sup> The limits have not been adjusted to account for any imports exported after December 31, 1985.

Also effective on September 18, 1986, you are requested to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Category 459, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1986 and extends through December 31, 1986, in excess of 116,406 pounds.<sup>1</sup>

Textile products in Category 459 which have been exported to the United States prior to January 1, 1986 shall not be subject to this directive.

Textile products in Category 459 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date to this directive shall not be denied entry under this directive.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553 (a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 21030 Filed 9-16-86; 8:45 am]

BILLING CODE 3510-DR-M

<sup>1</sup> The limits have not been adjusted to account for any imports exported after December 31, 1985.

## Officials Authorized To Issue Export Visas for Certain Cotton Textile Products, Produced or Manufactured in the Republic of Maldives

September 11, 1986.

Under the terms of the cotton export visa arrangement, effected by exchange of letters dated December 29, 1981 and March 22, 1982, between the Governments of the United States and the Republic of Maldives, the Government of the Republic of Maldives has notified the United States Government that Razia Mohamed Kaleygefaanu and Faithimath Muneera have been authorized to issue export visas for textile and apparel products subject to the terms of the bilateral agreement. The purpose of this notice is to advise the public of this change.

The following is a complete list of officials of the Government of the Republic of Maldives who are currently authorized to issue export visas:

Mohamed Zahir  
Anmed Firaq  
Razia Mohamed Kaleygefaanu  
Hassan Adam  
Ali Ibrahim  
Ali Ibrahim Manik  
Fathimath Muneera

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-21031 Filed 9-16-86; 8:45 am]

BILLING CODE 3510-DR-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Defense Science Board Task Force on Follow-on Forces Attack; Meeting

**ACTION:** Change in Date of Advisory Committee Meeting Notice.

**SUMMARY:** The meeting of the Defense Science Board Task Force on Follow-on Forces Attack scheduled for September 18-19, 1986 as published in the *Federal Register* (Vol. 51, No. 92, Page 17509, Tuesday, May 13, 1986) will be held on November 5-6, 1986. In all other respects the original notice remains unchanged.

Patricia H. Means,

OSD Federal Register Liaison Officer,  
Department of Defense.

September 11, 1986.

[FR Doc. 86-20949 Filed 9-16-86; 8:45 am]

BILLING CODE 3810-01-M

# **Defense Science Board Task Force on Special Systems Subgroup, Pacific Command Air Defense; Advisory Committee Meetings**

**ACTION:** Notice of Advisory Committee meetings.

**SUMMARY:** The Defense Science Board Task Force on Pacific Command Air Defense, Special Systems Subgroup will meet in closed session on September 23, 1986 in the Center for Naval Analyses, Alexandria, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting, the Task Force will examine systems related to defense capabilities for shore installations in the Pacific Command and assess relevant technology, equipment, and modernization plans.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Panel meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Patricia H. Means,  
OSD Federal Register Liaison Officer,  
Department of Defense,  
September 11, 1986.

[FR Doc. 86-20948 Filed 9-16-86; 8:45 am]  
BILLING CODE 3810-01-M

## **Department of Defense Wage Committee; Closed Meetings**

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, October 7, 1986; Tuesday, October 14, 1986; Tuesday, October 21, 1986; and Tuesday, October 28, 1986; at 10:00 a.m. in Room 1E801, The Pentagon, Washington, DC.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Force Management and Personnel) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee

reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b.(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b.(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b.(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, The Pentagon, Washington, DC 20301.

Patricia H. Means,  
OSD Federal Register Liaison Officer,  
Department of Defense,  
September 12, 1986.

[FR Doc. 86-20950 Filed 9-16-86; 8:45 am]  
BILLING CODE 3810-01-M

## **Public Information Collection Requirement Submitted to OMB for Review**

**ACTION:** Public Information Collection Requirement Submitted to OMB for Review.

**SUMMARY:** The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collections and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to

provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

## **New Collection**

Home Health Care Demonstration Inpatient Costs Vs. Home Health Care Costs—CHAMPUS Form 724

The Home Health Care (HHC) Demonstration, Inpatient Costs Vs. Home Health Care Costs, is necessary to ensure the most appropriate and cost-effective benefits are being provided to CHAMPUS beneficiaries. The form requests specific data on inpatient costs versus home health care costs. This data is used by OCHAMPUS in determining which is more cost-effective.

Business or other for-profit, non-profit institutions and small businesses or organizations.

Responses: 2,000  
Burden Hours: 1,000

**ADDRESSES:** Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, Suite 1204, 1215 Jefferson Davis Highway, Arlington, VA 22202-4302, telephone (202) 746-0933.

**SUPPLEMENTAL INFORMATION:** A copy of the information collection proposal may be obtained from Ms. Jane Bomgardner, OCHAMPUS, Aurora, Colorado 80045-6900, telephone (303) 361-3509.

Patricia H. Means,  
OSD Federal Register Liaison Officer,  
Department of Defense,  
September 11, 1986.

[FR Doc. 86-20947 Filed 9-16-86; 8:45 am]  
BILLING CODE 3810-01-M

## **Department of the Navy**

### **Naval Research Advisory Committee; Closed Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Research Advisory Committee Panel on Soviet Submarine Threat will meet on October 7 and 8, 1986 at the Pentagon, Room 5B725, Washington, DC. The meeting will commence at 9:00 A.M. and terminate at 4:00 P.M. on October 7; and commence at 9:00 A.M. and terminate at 3:00 P.M. on October 8, 1986. All sessions will be closed to the public.

The purpose of the meeting is to assess the potential of U.S. defensive systems now in the pipeline to meet the Soviet submarine threat, as well as from an overall system approach, determine the major elements required to match the threat and recommend modifications, if required, to current Navy programs in order to maintain technological superiority. The agenda will include technical briefings and discussions addressing the Soviet submarine threat. These briefings and discussions will contain information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander T.C. Fritz, U.S. Navy, Office of the Chief of Naval Research (Code OONR), 800 North Quincy Street, Arlington, VA 22217-5000, Telephone number (202) 696-4870.

Dated: September 11, 1986.

Harold L. Stoller, Jr.,

Commander, JAGC, U.S. Navy Federal Register Liaison Officer.

[FR Doc. 86-20931 Filed 9-16-86; 8:45 am]

BILLING CODE 3810-AE-M

#### Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Research Advisory Committee Panel on Over the Horizon Targeting Capabilities will meet on October 29-30, 1986, at the Offices of the Commander in Chief, U.S. Atlantic Fleet, Norfolk, Virginia. The meeting will commence at 9:00 A.M. and terminate at 4:30 P.M. on October 29 and 30, 1986. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to conduct a comprehensive review of existing and planned over the horizon targeting programs; determine current and projected over the horizon targeting and related command and control capabilities and limitations; identify any problems and recommend solutions. The

agenda for the meeting will consist of technical briefings and tours addressing over the horizon targeting capabilities, program tactics and operations. These briefings and tours will contain classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting.

Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander T.C. Fritz, U.S. Navy, Office of the Chief of Naval Research (Code OONR), 800 North Quincy Street, Arlington, VA 22217-5000, Telephone number (202) 696-4870.

Dated: September 11, 1986.

Harold L. Stoller, Jr.,

Commander, JAGC, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 86-20932 Filed 9-16-86; 8:45 am]

BILLING CODE 3810-AE-M

#### Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Research Advisory Committee Panel on U. S. Navy Anti-Submarine Warfare Technology 1986-1996 will meet on October 30 and 31, 1986, at the University of Miami, Rosenstiel School of Marine and Atmospheric Science, Miami, Florida. The meeting will commence at 9:00 A.M. and terminate at 4:30 P.M. on October 30 and 31, 1986. All sessions will be closed to the public.

The purpose of the meeting is to evaluate the security of the present and future U.S. Navy surface fleet and undersea surveillance systems. The agenda will include review of technical briefings on the threat, ASW response, strategic and tactical performance requirements, undersea surveillance, and emerging technology, in order to begin drafting a report. These discussions will contain information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly

classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander T.C. Fritz, U.S. Navy, Office of the Chief of Naval Research (Code OONR), 800 North Quincy Street, Arlington, VA 22217-5000, Telephone number (202) 696-4870.

Dated: September 11, 1986.

Harold L. Stoller, Jr.,

Commander, JAGC, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 86-20933 Filed 9-16-86; 8:45 am]

BILLING CODE 3810-AE-M

#### Public Hearings on the Draft Environmental Impact Statement and Dredging Permit Application for U.S. Navy, U.S. Navy Gulf Coast Homeporting; Amendment

A notice of intent to conduct Public Hearings on the Draft Environmental Impact Statement and Dredging Permit Application for U.S. Navy Gulf Coast Homeporting was published in the **Federal Register** on September 8, 1986, at page 31963. The following amendments to that notice are being made:

1. *Pensacola, Florida*—Changed from October 7, 1986 to Tuesday, *October 21, 1986*, at 7:00 p.m., New City Hall, 180 Governmental Center, Pensacola, Florida.

2. Written statements will be accepted until *November 3, 1986*, changed from October 27, 1986.

In all other respects the notice as published on September 8, 1986, is correct.

Questions concerning this public notice may be directed to Mr. Laurens Pitts at (803) 743-3864.

Dated: September 11, 1986.

Harold L. Stoller, Jr.,

Commander, JAGC, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 86-20930 Filed 9-16-86; 8:45 am]

BILLING CODE 3810-01-M

## DEPARTMENT OF DEFENSE

GENERAL SERVICES  
ADMINISTRATIONNATIONAL AERONAUTICS AND  
SPACE ADMINISTRATIONFederal Acquisition Regulation (FAR);  
Information Collection Under OMB  
Review

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection.

**ADDRESS:** Send comments to Franklin S. Reeder, FAR Desk Officer, Room 3235, NEOB, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Ms. Linda Klein, Office of Federal Acquisition and Regulatory Policy (202) 523-5168 or Mr. Owen Green, Defense Acquisition Regulatory Council, (703) 697-7268.

**SUPPLEMENTARY INFORMATION:** a. *Purpose:* Firms which are competing for Government contracts must list all foreign end products on the certificate they propose to sell to the Government in order for contracting officers to evaluate offers received and award contracts for needed supplies.

b. *Annual reporting burden:* The annual reporting burden is estimated as follows: Respondents, 2,663; responses per respondent, 20; total annual responses 53,260; hours per response .167; and total reporting hours 8,894.

## Obtaining Copies of Proposals

Requesters may obtain copies from the FAR Secretariat (VRS), Room 4041, GSA Building, Washington, DC 20405, telephone (202) 523-4755. Please cite OMB Control No. 9000-0024, Buy American Certificate.

Dated: September 9, 1986.

Margaret A. Willis,

*FAR Secretariat.*

[FR Doc. 86-20934 Filed 9-16-86; 8:45 am]

BILLING CODE 6820-61-M

Federal Acquisition Regulation (FAR);  
Information Collection Under OMB  
Review

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection.

**ADDRESS:** Send comments to Franklin S. Reeder, FAR Desk Officer, Room 3235, NEOB, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Ms. Linda Klein, Office of Federal Acquisition and Regulatory Policy (202) 523 5168 or Mr. Owen Green, Defense Acquisition Regulatory Council, (703) 697-7268.

**SUPPLEMENTARY INFORMATION:** a. *Purpose:* Under the Trade Agreements Act of 1979, unless specifically exempted by statute or regulation, agencies are required to evaluate offers over a certain dollar limitation to supply an eligible product without regard to the restrictions of the Buy American Act or the Balance of Payments program. Offerors identify excluded end products and designated end products on this certificate. The contracting officer uses the information to identify the offered items which are domestic end products. The contracting officer also uses the information to identify designated country end products and Caribbean Basin Country end products. Offers are evaluated by giving a preference to domestic and eligible products over other products.

b. *Annual reporting burden:* The annual reporting burden is estimated as follows: Respondents, 1,140; responses per respondent 10; total annual responses, 11,400; hour per response, .167; and total reporting hour, 1,904.

## Obtaining Copies of Proposals

Requesters may obtain copies from the FAR Secretariat (VRS), Room 4041, GSA Building, Washington, DC 20405, telephone (202) 523-4755. Please cite OMB Control No. 9000-0025, Buy American Act—Trade Agreements Act—Balance of Payments Program Certificate.

Dated: September 9, 1986.

Margaret A. Willis,

*FAR Secretariat.*

[FR Doc. 86-20935 Filed 9-16-86; 8:45 am]

BILLING CODE 6820-61-M

## DEPARTMENT OF EDUCATION

Education Appeal Board; Acceptance  
for Hearing of Applications for Review

**AGENCY:** Department of Education.

**ACTION:** Notice of applications for review accepted for hearing by Education Appeal Board.

**SUMMARY:** This notice lists the applications for review accepted for hearing by the Education Appeal Board (Board) between May 5, 1986, and July 23, 1986.

**FOR FURTHER INFORMATION CONTACT:** Ernest C. Canellos, Chairman, Education Appeal Board, 400 Maryland Avenue SW., (Room 1065, FOB-6), Washington, DC 20202. Telephone: (202) 732-1756.

**SUPPLEMENTARY INFORMATION:** Under sections 451 through 454 of the General Education Provisions Act (20 U.S.C. 1234 *et seq.*), the Education Appeal Board has authority to conduct (1) audit appeal hearings, (2) withholding, termination, and cease and desist hearings initiated by the Secretary of Education, and (3) other proceedings designated by the Secretary as being within the jurisdiction of the Board.

The Secretary has designated the Board as having jurisdiction over appeal proceedings related to final audit determinations, the withholding or termination of funds, and cease and desist actions for most grant programs administered by the Department of Education (ED). The Secretary also has designated the Board as having jurisdiction to conduct hearings concerning most ED-administered programs that involve (a) a determination that a grant is void, (b) the disapproval of a request for permission to incur an expenditure during the term of a grant, or (c) determination regarding cost allocation plans or special rates negotiated with specified grantees.

Regulations governing Board jurisdiction and procedures were published in the *Federal Register* on May 18, 1981, at 46 FR 27304 (34 CFR Part 78).

## Applications Accepted

*Appeal of the Michigan Department of Education, Docket No.: 15(215)86, ACN: 05-30057.*

The Michigan Department of Education (Michigan) appealed a final letter of determination issued by the Acting Regional Commissioner for the Rehabilitation Services Administration. The underlying audit reviewed Michigan's Vocational Rehabilitation Program for the period between October 1, 1981, and September 30, 1982.

The Acting Regional Commissioner disallowed specific program expenditures, based upon a statistical sample. He concluded that Michigan had failed to comply with Federal requirements for documentation and client eligibility.

The Department seeks a refund of \$465,732. Michigan disputes all liability.

*Appeal of the State of Washington*, Docket No.: 13(213)86, ACN: 10-30023.

The State of Washington (Washington) appealed a final letter of determination issued by the Assistant Secretary for Special Education and Rehabilitative Services. The underlying audit reviewed programs conducted under the Education of the Handicapped Act during fiscal year 1982.

The Assistant Secretary disallowed expenditures at 19 of 114 local educational agencies because State and local expenditures for special education and related services allegedly failed to sustain a level equal to or higher than the prior year's expenditures, thus resulting in the supplanting of Federal funds.

The Department seeks a refund of \$1,500,200. Washington disputes all liability.

*Appeal of Loneman School Corporation*, Docket No.: 10(210)86, ACN: 08-55001.

The Loneman School Corporation (Corporation) appealed a final letter of determination issued by the Assistant Secretary for Elementary and Secondary Education. The underlying audit reviewed grant awards for the period between July 1, 1981, and June 30, 1982 for programs authorized under the Title IV, Part A formula grant program of the Indian Education Act.

The Assistant Secretary sustained the auditors' findings that funds were improperly transferred to the general operating fund and special payroll accounts were used to pay VISTA volunteers.

The Department seeks a refund of \$32,196. The Corporation concedes the findings of the Assistant Secretary, but disputes liability based upon an alleged reimbursement of program funds.

*Appeal of the Nebraska State Library Commission*, Docket No.: 12(212)86, ACN: 07-52011.

The Nebraska State Library Commission (Commission) appealed a

final letter of determination issued by the Assistant Secretary for Educational Research and Improvement. The underlying audit reviewed the Commission's administration of the Library Services and Construction Act (LSCA) program for the period between July 1, 1982, and June 30, 1984.

The Assistant Secretary sustained the auditors' findings that Federal reports were not properly submitted, expenditures were not properly documented, and program monitoring was inadequate.

The Department seeks a refund of \$31,300 for expenditures improperly documented. The Commission disputes the monetary disallowance.

*Appeal of the State of Missouri*, Docket No.: 11(211)86, ACN: 07-30032.

The State of Missouri (Missouri) appealed a final letter of determination issued by the Assistant Secretary for Special Education and Rehabilitative Services. The underlying audit reviewed programs conducted under the Education of the Handicapped Act during fiscal year 1983.

The Assistant Secretary disallowed costs because of improper documentation of expenditures, supplanting of Federal funds, and unallowable charges.

The Department seeks a refund of \$1,482,849. Missouri disputes liability.

The Special School District of St. Louis County, Missouri, filed a Petition to Intervene, dated June 2, 1986. The intervenor has satisfied the requirements of 34 CFR 78.43 and was notified that the intervention was approved by the Chairman of the Education Appeal Board in a letter dated July 11, 1986.

#### INTERVENTION

Regulations establishing intervention procedures for the Education Appeal Board in 34 CFR 78.43 provide that an interested person, group, or agency may, upon application to the Board Chairman, intervene in appeals before the Education Appeal Board.

An application to intervene must indicate to the satisfaction of the Board Chairman or as appropriate, the Panel Chairperson, that the potential intervenor has an interest in, and information relevant to, the specific issues raised in the appeal. If an application to intervene is approved, the intervenor becomes a party to the proceedings.

Applications to intervene, or questions, should be addressed to Ernest C. Canellos, Chairman, Education Appeal Board, 400 Maryland Avenue SW. (Room 1065, FOB-6), Washington,

DC 20202. Telephone: (202) 732-1756. (20 U.S.C. 1234)

Dated: September 12, 1986.

(Catalog of Federal Domestic Assistance No. not applicable)

Peter R. Greer,

Deputy Under Secretary, Intergovernmental and Intergovernmental Affairs.

[FR Doc. 86-21017 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

#### DEPARTMENT OF ENERGY

##### Intent to Continue and Fund a Grant Agreement; Howard University

**AGENCY:** U.S. Department of Energy (DOE).

**ACTION:** The DOE announces that pursuant to 10 CFR 600.7(b), it is restricting eligibility for the award of additional effort under agreement number DE-FG01-84CE76246 with Howard University (HU) for continuation of research to optimize power system operations by investigating issues with power flows and voltage collapses.

**SUMMARY:** The U.S. DOE, Office of Conservation and Renewable Energy, Energy Storage and Distribution Division, is preparing a grant modification to fund a continuation proposal submitted by HU.

This agreement will allow HU, a Historical Black College (HBC) to promote cooperation with other HBC's electrical engineering departments through a computer simulation network (linking six of the nation's HBC's) for the advancement of power engineering education at HBC's.

#### Eligibility

Award of the agreement is limited to HU because HU is the focal point for a computer simulation network. This network SIMNET (Simulation Network for Electrical Engineering) is designed to handle large-scale simulation projects and tasks and allows faculty and students to investigate a wide variety of system phenomena and to perform advanced research and analyses.

The term of this agreement shall be from September 30, 1986 through December 31, 1987 and the amount of funds awarded shall be \$100,000.

**FOR FURTHER INFORMATION CONTACT:** Rosemarie H. Marshall, MA-453.2, U.S. Department of Energy, Office of Procurement Operations, 1000

Independence Avenue SW.,  
Washington, DC 20585.  
Edward T. Lovett,  
Director, Contract Operations, Division "B"  
Office of Procurement Operations.  
[FR Doc. 86-21012 Filed 9-16-86; 8:45 am]  
BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

[Docket No. RM85-1-176]

### Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol, Columbia Gas Transmission Corp.; Order Granting in Part and Denying in Part Petition for Clarification

Issued: September 11, 1986.

Pipeline Rates: Self-implementing transportation: Contract reduction and conversion.

Before Commissioners: Anthony G. Sousa, Acting Chairman; Charles G. Stalon, Charles A. Trabandt and C.M. Naeve.

#### I

Columbia Gas Transmission Corporation (Columbia) requests clarification of two aspects of the contract reduction and conversion provisions in § 284.10 of the Commission's regulations,<sup>1</sup> as promulgated in Order No. 436, *et seq.* These clarifications involve: (1) The interrelationship between the provisions § 284.10 and Article VIII of a settlement of a number of Columbia's cases (the PGA settlement);<sup>2</sup> and (2) whether the "firm sales entitlements" of Columbia's customers under § 284.10(c)(3) is the contract demand (CD) level for each customer or the CD level plus the maximum daily quantity (MDQ) under Columbia's Winter Service (WS) Rate Schedule. A number of persons filed comments in response to Columbia's request.<sup>3</sup> Most oppose Columbia's request as to both aspects. We shall deny Columbia's request as to the first aspect but grant its request as to the second. Our reasons are set forth below.

#### II

The background of Columbia's request is straightforward. Under Article VIII of the PGA settlement Columbia's customers may reduce their Total Daily Entitlements (TDEs) as of March 31, 1985, by 15 percent. A customer's TDE is made up of its CD to purchase gas under the applicable sales rate schedule plus its MDQ under Rate Schedule WS. The settlement provides that the customer

may reduce its TDE by 10 percent on April 1, 1985, and then reduce its TDE by the remaining 5 percent on April 1, 1986, or any subsequent year. A number of customers reduced their TDEs by 10 percent on April 1, 1985. Many also reduced their TDEs on April 1, 1986.<sup>4</sup>

Under § 284.10 a firm sales customer of a pipeline that has accepted a blanket transportation certificate pursuant to § 284.221 may either reduce its "firm sales entitlement" or convert this entitlement to firm transportation.<sup>5</sup> During the first year after the pipeline accepts the blanket certificate the customer may reduce or convert its firm sales entitlement by 15 percent. For the reduction to be effective the customer must give written notice within 45 days after the pipeline accepts the blanket certificate.<sup>6</sup> Once the customer gives notice the reduction is effective 150 days after the end of the notice period.<sup>7</sup>

Columbia accepted its blanket transportation certificate on March 27, 1986. Hence Columbia's customers had until May 11, 1986, to give Columbia written notice of the amount by which they would reduce their firm sales entitlements on October 8, 1986.

A number of customers gave written notice on May 11. In these notices the customers stated that they would reduce their TDEs as of March 27, 1986, by 15 percent. That is, the customers stated that they would reduce both their CDs and their MDQs under Rate Schedule WS without regard to the reduction in their TDEs that became effective on April 1, 1986, pursuant to the PGA settlement. Columbia, however, took the position that the reduction in "firm sales entitlements" that would become effective on October 8, 1986, pursuant to § 284.10 had to be reduced by the reductions in TDEs that became effective on April 1, 1986, pursuant to the PGA settlement. Columbia also took the position that the amount of the reduction the customers were entitled to under § 284.10 did not include the customers' MDQs under Rate Schedule WS. To resolve the dispute between itself and its customers, Columbia filed the instant petition for clarification. Columbia asks that we find its position to be correct.

We will address the questions in the order presented.

#### III

The issue of whether the reduction in "firm sales entitlements" pursuant to § 284.10 should be reduced by the reduction in TDEs taken on April 1, 1986, pursuant to the PGA settlement is best presented by an example. Suppose that on March 31, 1985, a customer had a firm sales entitlement of 100 Mcf. Suppose further that the customer exercised its option under the PGA settlement to reduce this entitlement by 10 percent on April 1, 1985. Thus on April 1, 1985, the customer's firm sales entitlement was reduced to 90 Mcf. Suppose further that the customer exercised its option under the PGA settlement to reduce its firm sales entitlement as of March 31, 1985, by 5 percent on April 1, 1986. Thus, on April 1, 1986, the customer's firm sales entitlement was reduced by 5 Mcf to 85 Mcf.

Under § 284.10 a customer may reduce the "firm sales entitlement" in an "eligible firm sales service agreement."<sup>8</sup> An "eligible firm sales agreement" is defined as an agreement between the pipeline and a firm sales customer that was entered into before the date the pipeline accepted a blanket transportation certificate.<sup>9</sup> Columbia accepted a blanket transportation certificate on March 27, 1986. On that date the customer's firm sales entitlement was 90 Mcf. Thus, under § 284.10(i)(3)(i)(A) the customer should be able to reduce its firm sales entitlement on October 8, 1986, by 13.5 Mcf (90 Mcf  $\times$  .15 = 13.5 Mcf). Columbia's customers argue that this is exactly the amount by which they should be able to reduce their firm sales entitlements.

Columbia argues, however, the reduction to which the customer is entitled under § 284.10 should be 8.5 Mcf. That is, Columbia argues that the 13.5 Mcf reduction to which the customer is entitled under § 284.10 must be reduced by the 5 Mcf reduction the customer took on April 1, 1986. This is necessary, Columbia contends, to ensure that the reduction the customer takes in its firm sales entitlement in the first year after Columbia becomes subject to § 284.10 does not exceed the 15 percent reduction specified in § 284.10(c)(3)(i)(A).

The assumption underlying Columbia's arguments is that the 15 percent reduction specified in § 284.10(c)(3)(i)(A) is the maximum amount by which the customers may reduce their "firm sales entitlements."

<sup>8</sup> See 18 CFR 284.10(c)(i).

<sup>9</sup> See 18 CFR 284.10(b).

<sup>1</sup> 18 CFR 284.10 (1986).

<sup>2</sup> See Columbia Gas Transmission Corp., 31 FERC ¶ 61,307, modified, 31 FERC ¶ 61,372, modified further, 33 FERC ¶ 61,344 (1985).

<sup>3</sup> The persons filing comments are listed in the appendix to this order.

<sup>4</sup> See Columbia Gas Transmission Corp., 34 FERC ¶ 61,412 (1986).

<sup>5</sup> See 18 CFR 284.10(c)(1) (reduction) and § 284.10(d)(1) (conversion).

<sup>6</sup> See 18 CFR 284.10(c)(i)(A).

<sup>7</sup> See 18 CFR 284.10(c)(i)(B).

This is incorrect. The 15 percent reduction is the minimum reduction to which the customers are entitled. Nothing in § 284.10 or in Order No. 436 suggests that the customers may not reduce their "firm sales entitlements" by more than 15 percent if the pipeline agrees. Indeed, § 284.10(c)(3)(ii) provides that the pipeline may agree to permit a greater reduction than is specified. Columbia has done so in the PGA settlement.

Columbia argues that it and the customers agreed to limit the customers' reductions in the way it contends and that we approved this agreement. Columbia points out that after Order No. 436 was issued, it met with its customers to re-assess the PGA settlement in light of Order No. 436. The result of this meeting was the filing by Columbia and its customers of a motion to modify the PGA settlement. We granted that motion.<sup>10</sup> Columbia contends that the motion made clear that the customers' reductions under § 284.10 would be limited by the reductions the customers take under the PGA settlement. Columbia bases this contention on the motion's example of how the reductions under the PGA settlement and § 284.10 would work. The example assumes that the first reduction under § 284.10 would take place in the first year of the PGA settlement—i.e., before the 5 percent reduction took effect on April 1, 1986—and that the reduction under § 284.10 would be 25 percent.<sup>11</sup> The example provides that the customer could take the 10 percent reduction on April 1, 1985, and then reduce this amount by the 25 percent reduction available under § 284.10 so that the total reduction available to the customers in the first year of the PGA settlement would be 32.5 percent.<sup>12</sup>

This example, of course, supports the customers' position that the reductions to which they now are entitled under the PGA settlement and § 284.10 are not limited to 15 percent. Columbia argues, however, that, because the example dealt only with the first year under the PGA settlement, the second year is to be treated differently. Columbia bases this argument on the *expressio unius*

*exclusio alteris* rule of statutory construction.<sup>13</sup>

We see no merit in Columbia's argument. The example is just that—an example. It simply illustrates how the reduction right under the PGA settlement and the reduction right under § 284.10 are to operate. As such, the example is equally applicable to the second year of the PGA settlement. Moreover, Columbia's interpretation is undercut by the motion to modify itself. The motion states, at page 4, that the "PGA settlement in no way diminishes a customer's right under Order No. 436 to reduce its contract demand or to convert to firm transportation. . . ." It was on this basis that we granted the motion.<sup>14</sup> Columbia's current interpretation of the example would diminish the customer's right under Order No. 436 to reduce. We thus conclude that, pursuant to § 284.10, Columbia's customers may reduce their "firm sales entitlements" existing in "eligible firm sales service agreements" on March 27, 1986, by 15 percent without regard to any reduction taken by the customers on April 1, 1986, pursuant to the PGA settlement.

#### IV

The issue of whether a customer may, pursuant to § 284.10, reduce not only its CD for service under Columbia's firm sales rate schedule, Rate Schedule CDS, but also its MDQ for service under Rate Schedule WS turns on the answer to the question of whether the MDQ is a "firm sales entitlement" as that term is used in § 284.10. We conclude that it is not. To be sure, the MDQ is an entitlement to firm service. But it is not an entitlement to a firm sales service. This is so because the customer purchases no gas under Rate Schedule WS. Instead, the customer purchases the gas under the firm sales rate schedule, Rate Schedule CDS, in the summer. All that Rate Schedule WS provides is that Columbia in the winter will deliver the gas the customer purchased in the summer, up to the MDQ. As such, Rate Schedule WS simply provides a contract storage service. The MDQ is a cap on the amount of the customer's gas Columbia may be required to deliver out of storage on any day in the winter. This conclusion is strengthened by the fact that the rate for service under Rate Schedule WS is based on Columbia's storage and transmission costs. If the service provided under Rate Schedule WS were a sales service, the rate would also be based on purchase gas demand costs from Columbia's upstream pipeline

suppliers, the costs of transportation provided by others (Account 858 costs), and the carrying costs of gas in storage. But it is not.<sup>15</sup>

The arguments of Columbia's customers that the MDQ is a "firm sales entitlement" are not persuasive. First, the customers argue that the MDQ is a "firm sales entitlement" because the customers pay a demand charge for service under Rate Schedule WS. It is true that the customers pay a demand charge for service under Rate Schedule WS. But all the payment of demand charge proves is that the customer has an entitlement to a firm service. It does not prove that the customer has an entitlement to firm sales service. Second, the customers point out that in Order No. 436 the Commission modified its original proposal by substituting the phrase "firm sales entitlements" for "contract demands" to ensure that customers could reduce not only their contract demands "but also other vehicles that operate as fixing firm sales entitlements such as Annual Contract Quantities, or perhaps curtailment priorities."<sup>16</sup> The customers argue that this change shows that "firm sales entitlements" includes such entitlements as the MDQ. We disagree. The Commission modified its original proposal because under the modified fixed-variable method of rate design demand charges are based not only on the customer's contract demand but also on the customer's Annual Contract Quantity or its Annual Quantity Entitlement.<sup>17</sup> The phrase "firm sales entitlements" is broad enough to encompass those measures for assessing demand charges; the phrase "contract demands" is not. Nothing in Order No. 436 suggests, however, that the phrase "firm sales entitlements" is broad enough to encompass "firm storage entitlements." Finally, the customers argue that permitting them to reduce their MDQs would further the Commission's policy goal in promulgating § 284.10. Whether there is any merit to that policy argument is a question we need not consider here.

<sup>15</sup> In the joint comments filed by several of Columbia's customers the contention is made that the cost components underlying the rates for service under Rate Schedules CDS and WS are the same. We have examined Columbia's filing in Docket No. RP84-75, which serves as the basis for Columbia's currently effective rates. As noted above, our examination shows that the cost components underlying the two rates are different. See Revised Statement I, page 2, of Columbia's filing in that docket.

<sup>16</sup> Order No. 436, 50 FR 42408, 42444 (Oct. 18, 1985).

<sup>17</sup> See Texas Eastern Transmission Corp., 32 FERC ¶ 61,056 (1985).

<sup>10</sup> See Columbia Gas Transmission Corp., 33 FERC ¶ 61,344 (1985).

<sup>11</sup> As promulgated in Order No. 436, § 284.10 permitted customers to reduce or convert their firm sales entitlements by 25 percent in the first year after the pipeline became subject to § 284.10. In Order No. 436-A the Commission amended § 284.10 to permit customers a 15 percent reduction or conversion in the first year. Order No. 436-A was issued after the motion to modify was filed.

<sup>12</sup>  $10\% + [25\% \times (100\% - 10\%)] = 32.5\%$ .

<sup>13</sup> Reply comments for Columbia, at 2-3.

<sup>14</sup> Columbia Gas Transmission Corp., 33 FERC at 61,681.

This is an order clarifying what the Commission did in Order No. 436. It is not the proper vehicle for determining whether it should have done something else.

By the Commission.

Kenneth F. Plumb,  
Secretary.

## Appendix

### Commenters

Columbia Gas Transmission Corporation<sup>1</sup>  
UGI Corporation<sup>1</sup>  
City of Richmond, Kentucky<sup>2</sup>  
Dayton Power and Light Company<sup>1</sup>  
West Ohio Gas Company<sup>2</sup>  
Columbia Gas of Kentucky, Inc.<sup>1</sup>  
Columbia Gas of Maryland, Inc.<sup>1</sup>  
Columbia Gas of New York, Inc.<sup>1</sup>  
Columbia Gas of Ohio, Inc.<sup>1</sup>  
Columbia Gas of Pennsylvania, Inc.<sup>1</sup>  
Columbia Gas of Virginia, Inc.<sup>1</sup>  
Washington Gas Light Company<sup>2</sup>  
Maryland Peoples Counsel<sup>1</sup>  
Pennsylvania Gas and Water Company<sup>2</sup>  
Cincinnati Gas and Electric Company<sup>1</sup>  
The Union Light, Heat and Power Company  
Mountaineer Gas Company<sup>1</sup>  
Cities of Charlottesville and Richmond, Virginia<sup>2</sup>  
Acme Natural Gas Company<sup>2</sup>  
Baltimore Gas and Electric Company<sup>1</sup>  
Interstate Power Company<sup>3</sup>  
Process Gas Consumers Group<sup>4</sup>  
[FR Doc. 86-20945 Filed 9-16-86; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. GP86-33-000; FERC JD No. 85-44216]

### Petition To Reopen and Vacate Final Well Category Determination and Request for Withdrawal of Application; State of New Mexico; Amoco Production Co., South Mattix Unit Federal No. 14 Well

September 10, 1986.

Take notice that on April 23, 1986, Amoco Production Company (Amoco) filed with the Commission pursuant to § 275.205 of the Commission's regulations a petition to reopen and vacate a final well category determination under section 108 of the Natural Gas Policy Act of 1978 (NGPA) for the well listed in the caption of this notice and to withdraw its application for the determination.

<sup>1</sup> Filed Initial and Reply Comments.

<sup>2</sup> Filed Initial Comments only.

<sup>3</sup> Filed Petition to Intervene only.

<sup>4</sup> Filed Reply Comments only.

Amoco states that a review of the qualifications for the subject well revealed that the well is producing from two formations, and that the average daily production exceeds the 60 Mcf per day stripper well limit.

Any person desiring to be heard or to protest this petition should file a motion to intervene or protest in accordance with Rules 214 or 211 of the Commission's rules of practice and procedure. All motions to intervene or protests should be submitted to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, not later than 30 days following publication of this notice in the *Federal Register*. All protests will be considered by the Commission but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene in accordance with Rule 214. Copies of this petition are on file with the Commission and available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 86-20941 Filed 9-16-86; 8:45 am]  
BILLING CODE 6717-01-M

### Oil Pipeline Tentative Valuation

September 15, 1986.

The Federal Energy Regulatory Commission by order issued February 10, 1978, established an Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to section 19a of the Interstate Commerce Act.

Notice is hereby given that a tentative basic valuation is under consideration for the common carrier by pipeline listed below:

#### 1983 Basic Report

Valuation Docket No. PV-1493-000.  
Asamera Pipeline, Inc., P.O. Box 118,  
Denver, Colorado 80203.

On or before October 24, 1986, persons other than those specifically designated in section 19a(h) of the Interstate Commerce Act having an interest in this valuation may file, pursuant to rule 214 of the Federal Energy Regulatory Commission's "Rules of practice and procedure" (18 CFR 385.214), an original and three copies of a petition for leave to intervene in this proceeding.

If the petition for leave to intervene is granted, the party may thus come within the category of "additional parties as the FERC may prescribe" under section 19a(h) of the Act, thereby enabling it to file a protest. The petition to intervene must be served on the individual

company at its address shown above and an appropriate certificate of service must be attached to the petition. Persons specifically designated in section 19a(h) of the Act need not file a petition; they are entitled to file a protest as a matter of right under the statute.

Francis J. Connor,  
Administrative Officer, Oil Pipeline Board.  
[FR Doc. 86-20944 Filed 9-16-86; 8:45 am]  
BILLING CODE 6717-01-M

[Docket Nos. QF86-986-000 et al.]

### P.C. Chadbourne and Company et al.; Certificate Applications, etc., For Qualifying Status For Small Power Production and Cogeneration Facilities

Comment date: Thirty days from publication in the *Federal Register*, in accordance with Standard Paragraph E at the end of this notice.

September 10, 1986

Take notice that the following filings have been made with the Commission.

#### 1. P.C. Chadbourne and Company

[Docket No. QF86-986-000]

On August 18, 1986, P.C. Chadbourne and Company (Applicant), of P.O. Box 88, Bethel, Maine 04217 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Oxford County, Maine. The facility will consist of a wood fired steam generator and a steam turbine-generator. The steam from the facility will be used for lumber drying kilns and building heat. The electric power production capacity will be 1,754 kilowatts. The primary energy source will be biomass in the form of wood waste. The date of installation will be December 1, 1986.

#### 2. Bangor-Pacific Hydro Associates

[Docket No. QF86-1003-000]

On August 26, 1986, Bangor-Pacific Hydro Associates (Applicant), of 33 State Street, Bangor, Maine 04401 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 13 megawatt hydroelectric facility (FERC P. 2600) is located on the Penobscot River in Penobscot County, Maine.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

### 3. Eastern Power Developers, Inc.

[Docket No. QF86-1005-000]

On August 26, 1986, Eastern Power Developers, Inc. (Applicant), of 3086 Markle Drive, Silver Lake Village, Stow, Ohio 44224 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in the Town of Merrimack, New Hampshire. The facility will consist of two (2) wood burners, a heat recovery steam generator and a condensing turbine-generator. The primary energy source will be biomass in the form of wood waste. The electric power production capacity will be 15 megawatts. Fuel oil # 2 will be used for start-ups and will not exceed twenty-five (25) percent of the total energy input in the facility in any calendar year. Installation of the facility will begin in January 1988.

#### Standard Paragraphs:

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 86-21022 Filed 9-16-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER-79-97-006, et al.]

### Alamito Co., et al.; Order Dismissing Complaints, Denying Motions To Expand Refund Authority and for Summary Judgment, Denying Request for Rehearing, and Establishing Expedited Hearing Procedures

Issued September 11, 1986.

Electric Rates: Complaints; Refund Authority; Summary Judgment; Rehearing; Hearing.

Before Commissioners: Anthony G. Sousa, Acting Chairman; Charles G. Stalon, Charles A. Trabandt and C. M. Naeve.

Alamito Co.; San Diego Gas and Electric Company v. Alamito Co., San Diego Gas and Electric Company v. Alamito Company, Osceola Energy, Inc., and Alamito Holdings, Inc.; Docket No. ER79-97-006, Docket Nos. EL86-26-000, and EL86-26-001, Docket No. EL86-34-000.

This order concerns three related complaints filed by San Diego Gas and Electric Company (San Diego) against Alamito Company (Alamito). All of the complaints stem from a recent merger involving Alamito. Before discussing the specifics of these proceedings, we begin with a brief discussion concerning the formation of Alamito and the events which ultimately led to the merger of Alamito into Osceola Energy, Inc. (Osceola).<sup>1</sup>

#### Background <sup>2</sup>

Alamito was organized in 1977 as a wholly-owned subsidiary of Tucson Electric Power Company (Tucson).<sup>3</sup> On December 5, 1978, Tucson filed with the Commission a Ten Year Power Sale and Interconnection Agreement which it had negotiated with San Diego (Power Sales Agreement).<sup>4</sup> In late 1983, Tucson

<sup>1</sup> Osceola has been identified as a corporation organized by Catalyst Energy Development Corporation; Donaldson, Lufkin & Jenrette Securities Corporation; Mabon Nugent & Co.; Bear, Stearns & Co., Inc.; and William M. Pope, Jr. See Alamito's answer in Docket No. EL86-26-001 at 2.

<sup>2</sup> See generally Alamito's "Proxy Statement with respect to the Annual Meeting of Shareholders to be held June 4, 1986" (Proxy Statement), for a discussion concerning the formation of Alamito and the events which led to its merger with Osceola.

<sup>3</sup> See Proxy Statement at 7.

<sup>4</sup> The Power Sales Agreement provided for a series of purchases by San Diego in five separate phases over a ten year period. The Commission accepted the agreement for filing with respect to the proposed rate schedules for Phases I and II. However, we directed Tucson to make a filing prior

received permission from the Arizona Corporation Commission (Arizona Commission) to transfer its interest in two coal-fired generating units to Alamito.<sup>5</sup> Tucson subsequently transferred to Alamito, with the Commission's approval, most of its rights and responsibilities under the Power Sales Agreement. The assignment to Alamito became effective on November 1, 1984, and on that date Alamito became subject to our jurisdiction. In December, 1984, Tucson's Board of Directors approved the distribution of Alamito common stock to the holders of Tucson's common stock, and in January 1985, Alamito became an independent corporation as a result of the stock distribution.

On November 4, 1985, certain officers of Alamito made an offer to acquire virtually all of Alamito's common stock in a cash merger with Ventana Electric Company (Ventana), which they controlled. The original offered price was \$110 for each share of Alamito common stock.<sup>6</sup>

Subsequent to Ventana's offer, a bidding war developed for Alamito, which concluded when Alamito's Board of Directors accepted a cash merger offer from Osceola under which Alamito shareholders would receive approximately \$165 for each share of Alamito common stock.<sup>7</sup> Alamito's shareholders approved the transaction on June 4, 1986.<sup>8</sup>

#### The Complaints

Docket No. ER79-97-006

On February 28, 1986, San Diego filed its complaint, motion for expansion of refund authority, and alternative request for rehearing. San Diego contends that Alamito has collected rates which are unjust and unreasonable because the

to the implementation of Phases III, IV, and V, in order to permit us to evaluate the reasonableness of the formula rate for each of those phases at the time each phase was implemented. See 6 FERC ¶ 61,195 (1979). San Diego's complaints concern the reasonableness of the Phase IV rates which we permitted, with the exception of revenues derived from fuel costs, to become effective on June 1, 1985, without suspension or hearing. See 32 FERC ¶ 61,022 (1985). The Phase IV rates became effective on June 1, 1985, and are scheduled to terminate on May 31, 1987.

<sup>5</sup> Springerville Unit No. 1 and Tucson's 50% interest in San Juan Unit No. 3.

<sup>6</sup> See Proxy Statement at 8.

<sup>7</sup> *Id.* at 8-12.

<sup>8</sup> It appears that Alamito's merger with Osceola was a two-step transaction. First, Osceola's wholly-owned subsidiary, Alamito Holdings, Inc., was merged into Alamito, with Alamito being the surviving corporation. Then Alamito was merged into Osceola, with Osceola being the surviving corporation. Thereafter, Osceola changed its name to Alamito. See Alamito's answer filed June 6, 1986, in Docket No. EL86-36-000 at 3, 5.

Phase IV rates reflect substantially more equity capitalization than has actually been employed during the period since the Phase IV rates became effective. Therefore, San Diego requests that the Commission revise the Phase IV rates retroactive to June 1, 1985, to reflect the actual capitalization ratios of Alamito and order refunds. If the Commission decides that a hearing is required, San Diego requests that the Commission grant rehearing of our July 5, 1985 order, and expand the refund authority set forth in Ordering Paragraph (D) of that order.<sup>9</sup>

In support of its contention that the equity component of the Phase IV rates is unjust and unreasonable, San Diego notes that, as represented in various proxy statements, Alamito's actual equity ratio on December 31, 1984, and December 31, 1985, was 18% and 21% respectively. San Diego states that its agreement to the 30% equity ratio, adopted for the Phase IV rate in Docket No. ER85-408-000, was based upon Alamito's representation that a 30% equity capitalization was representative of its prospective financing arrangements. San Diego supports its contention that retroactive relief is appropriate with three arguments. First, San Diego argues that the Phase IV rates are already being collected subject to refund because of an ongoing investigation into the reasonableness of the fuel costs being collected during Phase IV. Second, San Diego notes that the Phase IV rates are formula rates and that the Commission has previously ruled, in the case of a formula rate, that where there is a reduction in the selling utility's cost after the fact, the reduction must be passed on to the customer. Finally, San Diego asserts that Alamito acted in bad faith in representing that a 30% equity ratio would be representative of its equity capitalization during the period the Phase IV rates would be in effect. Notice of San Diego's filing was published in the *Federal Register*, with comments due on or before April 10, 1986.<sup>10</sup>

On March 4, 1986, San Diego filed a motion seeking an order requiring Alamito to preserve certain records. Alamito responded on March 14, 1986, stating that it had no intention of

destroying records. However, Alamito requested that if it was ordered to preserve records the Commission likewise direct San Diego to do the same. San Diego responded to Alamito's suggestion by stating it had no intention of destroying records and intended to follow its normal records retention procedures.<sup>11</sup>

On April 10, 1986, Alamito filed its answer to the complaint and asserted that there was no basis for the retroactive relief requested by San Diego. Therefore, Alamito requested that the Commission dismiss Docket No. ER79-97-006. In support of its request, Alamito denies that it misrepresented its expected Phase IV equity ratio during negotiations with San Diego, and that its projections were reasonable when made. In any event, Alamito argues that its representation was not a guarantee. Alamito notes that San Diego was free to negotiate for the use of an actual capital structure in the formula, but that Alamito had advised San Diego that if an actual capital structure was used, that it would propose a 17% equity return, rather than the 15% equity return which was finally agreed upon. Therefore, Alamito asserts that the use of a 70% debt/30% equity capital structure, with a 15% return applied to the equity component, represents a reasonable compromise between the parties.

Alamito also contends that there is no basis for refunds since the rate arises under a fixed-rate contract which can be modified only on a prospective basis. In addition, Alamito also argues that the Commission has no authority to suspend a rate after it has become effective, and that the Commission cannot alter a rate retroactively or order reparations. Finally, to the extent that San Diego's complaint is based on the proposed Ventana buyout, Alamito notes that that buyout has not occurred.

*Docket Nos. EL86-26-000 and EL86-26-001*

On February 28, 1986, San Diego also filed a complaint and motion for summary judgment in Docket No. EL86-26-000. San Diego requests an investigation under section 206 of the Federal Power Act. We assume that the investigation request is intended as an alternative request in the event the request for summary judgment is denied. In this complaint, San Diego requests

prospective relief from excess collections which might occur as a result of Alamito's changed capitalization ratio under the Ventana proposal. San Diego contends that if rate reductions are not ordered immediately from the date of the Alamito merger, it will be required to pay excessive revenues until relief can be obtained. Notice of San Diego's complaint was published in the *Federal Register*, with comments due on or before April 10, 1986.<sup>12</sup> On April 10, 1986, Alamito answered the complaint arguing that it was moot insofar as Alamito, subsequent to the filing of the complaint, had rejected the Ventana proposal in favor of the Osceola proposal.

On April 23, 1986, San Diego therefore filed in Docket No. EL86-26-001 an amended complaint which essentially conformed its arguments to the Osceola proposal. However, the relief requested by San Diego remained the same. Notice of the amended complaint was published in the *Federal Register*, with comments due no later than June 2, 1986.<sup>13</sup>

On June 2, 1986, Alamito answered the amended complaint and moved to dismiss it arguing that San Diego had failed to state any basis upon which the Commission could afford the relief sought. Alamito argues that San Diego's assumption that the Osceola bid will result in a capitalization ratio or cost basis different from that in effect prior to the merger is in error. With respect to San Diego's request for investigation under section 206, Alamito asserts there is no basis for an investigation since the existing rate reflects a negotiated settlement of the parties, and since San Diego has not alleged any breach by Alamito of the agreement (Amendment No. 4), which embodies that settlement. While the rate design features reflected in Amendment No. 4 may permit Alamito to earn more money than San Diego expected it would earn, Alamito asserts that to abrogate the contract under section 206 requires an evaluation of the entire contract, not only a selected portion of it, and in order to evaluate the public interest aspects of the entire contract a hearing is required. Therefore, Alamito asserts that San Diego's request for summary judgment must be denied.

*Docket No. EL86-34-000*

On April 23, 1986, San Diego filed its complaint relating to the merger agreement between Alamito, Osceola,

<sup>9</sup> See 32 FERC ¶ 61,022 (1985). The July 5th order involved two dockets, Docket No. ER79-97-001 and Docket No. ER85-408-000. The filing in Docket No. ER79-97-001 concerned the rate to be charged during Phase IV. Docket No. ER85-408-000 concerned Amendment No. 4 to the Power Sales Agreement. Amendment No. 4 proposed changes to the formula under which the Phase IV rates are calculated, and, among other things, specified new capitalization ratios.

<sup>10</sup> 51 FR 8875 (1986).

<sup>11</sup> After reviewing the pleadings, the Commission has no reason to think that either party may be seeking to impede our investigation through destruction of documents. Therefore, we shall deny San Diego's motion. In light of this action, it is unnecessary to rule on Alamito's cross motion.

<sup>12</sup> 51 FR 8875 (1986).

<sup>13</sup> 51 FR 16890 (1986).

and Alamito Holdings.<sup>14</sup> San Diego requests that the Commission condition any authority granted to Osceola under section 204 of the Federal Power Act, 16 U.S.C. 824c (1982), relating to the financing of the Alamito/Osceola merger, upon the collection of revenues from San Diego subject to a refund obligation from and after the closing of the merger pending a decision on whether and how the increased leverage (debt) used to finance the merger should be reflected in rates under the Power Sales Agreement, and whether other merger costs could be passed through to San Diego under the Power Sales Agreement. Specifically, San Diego requests that if the Commission approves the merger transaction, we grant immediate and simultaneous rate relief to San Diego as a result of Alamito's changed capitalization ratio resulting from the merger transaction. Notice of San Diego's complaint was published in the *Federal Register*, with comments due by June 2, 1986.<sup>15</sup>

Alamito filed its answer on June 2, 1986, and requested that the Commission reject the complaint because: (1) The complaint represents conjecture about possible future events; (2) Commission authorization under section 204 of the Act is not required; (3) San Diego has not raised valid rate issues and, in any event, a section 204 proceeding is not the proper place to review rate issues; and (4) the Commission has no authority to impose a rate refund condition under section 204 of the Act. On June 2, 1986, Osceola and Alamito Holdings jointly filed a special answer requesting that the Commission reject the complaint for lack of jurisdiction under sections 203 and 204 of the Act.<sup>16</sup>

Finally, we note that San Diego, on July 16, 1986, hand delivered a letter to the Commission requesting that the Commission act on the complaints prior to August. A copy of that letter was evidently also delivered on that date to opposing counsel. On July 17, 1986, Alamito filed a letter with the Secretary claiming that the July 16th letter constituted an *ex parte* communication. Several other letters were also filed on this matter.

<sup>14</sup> San Diego stated that it had no opposition to the merger itself.

<sup>15</sup> 51 FR 16890 (1986).

<sup>16</sup> Osceola and Alamito Holdings stated that neither, as of that date, was a public utility or licensee under the Act, and that the filing of their special answer was not intended to confer jurisdiction on the Commission, or to waive any argument that such jurisdiction was lacking.

## Discussion

The crux of San Diego's complaints is that Alamito's actual capitalization ratio has never approximated the hypothetical capitalization which Alamito represented would be representative of its expected capitalization during Phase IV, and that Alamito's capitalization may become more leveraged as a result of its merger with Osceola.<sup>17</sup> In order to evaluate the merits of San Diego's argument that its ratepayers should enjoy lower rates, which would necessarily result if Alamito's actual capitalization ratio (pre-merger and post-merger) is used to calculate the Phase IV rate under the Power Sales Agreement, we must turn to the language of the agreement.

The Power Sales Agreement was originally entered into by Tucson and San Diego in November, 1978. Under the agreement, San Diego contracted with Tucson to purchase capacity and energy in five separate phases over a ten-year period under a cost-of-service formula rate which was intended to reflect the fixed and variable costs of the units from which the sales would be made. In Amendment No. 3 to the Power Sales Agreement,<sup>18</sup> San Diego agreed to permit the assignment of the agreement to a wholly-owned subsidiary,<sup>19</sup> and as discussed *supra*, Tucson subsequently assigned the agreement to Alamito.

After the assignment, Alamito and San Diego negotiated Amendment No. 4 to the Power Sales Agreement. Amendment No. 4, as relevant to this discussion, modified the capitalization ratio to be used in calculating San Diego's rate from that set forth in Attachment A to Amendment No. 3 to a hypothetical capitalization ratio of 30% equity and 70% long-term debt, with the equity return fixed at 15%.

San Diego asserts that at the time Amendment No. 4 was negotiated, Alamito represented that the 30% equity/70% long-term debt ratio was representative of the prospective financing for Alamito's assets.<sup>20</sup>

<sup>17</sup> We are satisfied as a result of Alamito's answer in Docket No. EL86-34-000 that San Diego will not be charged for merger-related expenses, nor will it experience more expensive debt cost in its rate as a result of the merger. See Alamito's answer in Docket No. EL86-34-000 at 6-8.

<sup>18</sup> Amendment No. 3 was filed by Tucson on January 1, 1984, in Docket No. ER84-213-000.

<sup>19</sup> As set forth in Attachment A to Amendment No. 3, Tucson and San Diego also agreed in Amendment No. 3 to use a capitalization ratio of 43% equity, 5% preferred, and 52% long-term debt in the calculation of San Diego's rate under the agreement.

<sup>20</sup> See San Diego's complaint in Docket No. ER79-97-006 at 4. See also Alamito's letter of transmittal in Docket No. ER85-408-000.

Alamito asserts that San Diego, in effect, is asking the Commission to change its agreement with San Diego, and that such a change can only be made by the Commission under section 206(a) of the Act and only after a finding that the entire agreement is contrary to the public interest under the standards announced by the Supreme Court in *Federal Power Commission v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956) (*Sierra Pacific Power*).<sup>21</sup>

We shall dismiss San Diego's complaint in Docket No. ER79-97-006. The Commission permitted the Phase IV rates, with the exception of revenues derived from fuel costs which are subject to investigation in Docket No. ER79-97-001, to become effective without suspension or hearing. 32 FERC ¶ 61,022 at 61,080. We did so based on our finding that the rates would not produce excessive revenues. We note that San Diego elected not to seek rehearing. Alamito argues that the use of a hypothetical capitalization ratio does not, *per se*, result in an unreasonable rate, and that the reasonableness of the capital costs reflected in the Phase IV rate depends not only on the capitalization ratio, but also on the equity return employed. While the Commission has traditionally favored the use of actual capitalization ratios, the Commission accepted the Phase IV rate which employed a hypothetical ratio since we found that the rate based on the hypothetical ratio and the 15% equity return was reasonable. Under these circumstances, the Commission finds that San Diego has not presented good cause to either expand the refund authority or to grant rehearing at this late date, and those requests shall be denied. Since the Commission can only modify the Phase IV rate prospectively under the provisions of section 206 of the Federal Power Act,<sup>22</sup> the Commission can not grant the relief requested in the complaint.

We shall also dismiss San Diego's complaint in Docket No. EL86-26-000. That complaint was concerned with the anticipated effect of the expected merger between Alamito and Ventana. Since that merger was in fact not consummated as a result of Alamito's

<sup>21</sup> See Alamito's answer in Docket No. EL86-34-000 at 8. We note that the Commission does not currently know Alamito's exact pre-merger or post-merger capitalization ratios. However, Alamito represented that its post-merger capitalization ratio was expected to be approximately 21.8% equity/78.2% debt, compared to a pre-merger ratio of 21.4% equity/78.6% debt. *Id.* at 6.

<sup>22</sup> Since the revenues derived from fuel costs were made subject to refund in our July 5th order, those revenues are not the subject of this discussion.

agreement to the higher merger offer from Osceola, San Diego's complaint in Docket No. EL86-26-000 is now moot and shall be dismissed.

We shall set San Diego's complaint in Docket No. EL86-26-001 for further investigation and hearing pursuant to section 206(a) of the Act. We shall deny, however, San Diego's motion for summary judgment because the issues raised involve disputed issues of fact or law that are more appropriately disposed of after hearing. Nor can we at this time agree with Alamito's assertion that the Commission can only order a prospective change in the Phase IV rates on a finding that the entire Power Sales Agreement is contrary to the public interest under *Sierra Pacific Power*, *supra*. Because it is unclear which burden of proof San Diego must meet in order to obtain the relief requested, we shall direct that the presiding judge review the amended Power Sales Agreement and the circumstances present, and determine whether San Diego must meet the "public interest" burden under *Sierra Pacific Power*, *supra*, or the lesser "unjust and unreasonable" burden normally required in a section 206 proceeding. Therefore, as set forth below, we shall proceed under section 206(a) to investigate whether the Phase IV rates should be prospectively modified to reflect Alamito's actual capitalization.

Because the rates at issue are for a locked-in period ending May 31, 1987, expedition of the proceeding is warranted. Accordingly, we shall direct the presiding judge to complete the evidentiary hearing and to issue an initial decision by December 5, 1986. The presiding judge is, of course, free to set whatever schedule is necessary to meet this deadline. We shall require the submission of briefs on, and opposing, exceptions by December 23, 1986 and January 5, 1987, respectively. We also strongly encourage the parties to initiate settlement discussions in this matter, with an eye toward also resolving the rates to be set in Phase V. To this extent, we strongly encourage the parties to consider the use of the settlement judge procedures set forth in Rule 603 of our Rules of practice and procedure, 18 CFR 385.603 (1986). Such proceedings should not, however, delay the hearing.

The Commission notes that San Diego's complaint in Docket No. EL86-34-000 requests that the Commission condition under section 204 of the Act any approval of the Alamito/Osceola merger with a rate refund obligation to San Diego. We have decided to defer this issue for the following reasons.

First, to date, no approval has been sought by Alamito (or Osceola) under section 204 of the Act. Second, we note that San Diego does not object to the merger itself; rather, it appears only to be concerned with the rate consequences of the merger transaction. Since Alamito has represented to the Commission that none of the merger-related expenses, including any higher debt costs resulting therefrom, may be recovered from San Diego under the Power Sales Agreement, and since we are directing a hearing with respect to reasonableness of the Phase IV rate formula in Docket No. EL86-26-001, we believe that deferral of San Diego's complaint in Docket No. EL86-34-000 is appropriate. Moreover, the Commission intends to address the question concerning whether approval is required under section 204 for the Alamito/Osceola merger in a subsequent order in Docket No. EL86-36-000. We note that San Diego has moved to intervene in that proceeding.

Finally, with respect to Alamito's claim of possible *ex parte* communication by San Diego, we find that the July 16th letter does not constitute an *ex parte* communication in that there was no attempt to secretly influence the Commission. A copy of the letter was hand delivered to counsel for Alamito the same day it was delivered to the Commission and the Secretary. While we find that the letter is not an *ex parte* communication under Rule 2201 of the Commission's Rules of practice and procedure, 18 CFR 385.2201, it was clearly an inappropriate means of requesting expedited treatment, and we caution counsel to avoid such communications in the future. The proper means of requesting expedited treatment is to file a motion pursuant to Rule 212 of the Commission's Rules of practice and procedure, 18 CFR 385.212. Had this procedure been followed, Alamito's right to file an answer under Rule 213 (18 CFR 385.213) would have been clear. While Alamito has not filed such an answer, it has not been prejudiced since we have, in any event, declined San Diego's July 16th request for Commission action before August.

#### The Commission orders:

(A) Docket Nos. ER79-97-006 and ER86-26-000 are hereby dismissed for the reasons set forth in the body of this order.

(B) San Diego's motion to expand refund authority or, in the alternative, request for rehearing in Docket No. ER79-97-006 are hereby denied for the reasons set forth in the body of this order.

(C) San Diego's motion for an order directing the preservation of documents in Docket No. ER79-97-006 is hereby denied for the reasons set forth in the body of this order.

(D) San Diego's motion for summary judgment in Docket No. ER86-26-001 is hereby denied for the reasons set forth in the body of this order.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly section 206 thereof, and pursuant to the Commission's Rules of practice and procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held with respect to the allegations raised by San Diego Gas and Electric Company in Docket No. EL86-26-001.

(F) Subdocket -001 in Docket No. EL86-26 is hereby terminated. The evidentiary proceedings ordered herein shall be assigned Docket No. EL86-26-002.

(G) The Chief Administrative Law Judge shall designate an administrative law judge to preside over the hearing ordered herein. The presiding judge is hereby directed to issue an initial decision by December 5, 1986. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of practice and procedure. As discussed in the body of this order, the presiding judge shall also consider the burden of proof San Diego must meet in order to obtain the relief requested.

(H) Briefs on, and opposing, exceptions to the initial decision are due on or before December 23, 1986, and January 5, 1987, respectively.

(I) Docket No. EL86-34-000 is hereby deferred pending the outcome of Docket No. EL86-36-000 for the reasons set forth in the body of this order.

(J) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 86-20943 Filed 9-16-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. C186-708-000]

**Nicor Exploration Co.; Application for Certificate of Public Convenience and Necessity and for an Order Permitting and Approving Limited-Term Abandonment and Pre-Granted Abandonment**

Issued: September 10, 1986.

Take notice that on August 28, 1986, NICOR Exploration Company, (NICOR) filed an Application pursuant to sections 4 and 7 of the Natural Gas Act (NGA), the provisions of 18 CFR Parts 154 and 157, and 18 CFR 2.77(a)(1), seeking (i) a certificate of public convenience and necessity authorizing the sale for resale in interstate commerce of certain natural gas produced by NICOR and its co-owners, and (ii) an order authorizing limited-term abandonment and pre-granted permanent abandonment of certain sales as described therein, to effectuate the sale and purchase of gas on a short-term basis and on the spot market, as more fully described in the Application which is on file with the Commission and open for public inspection. The term of the authorizations requested by NICOR is two years. Alternatively, NICOR requests that the Commission grant as to NICOR until March 31, 1987 the blanket certificate and abandonment authority provided in *Tenneco Oil Company*, 33 FERC ¶ 61,134 (Oct. 29, 1985), as extended for certain applicants in *Marathon Oil Company*, 34 FERC ¶ 61,417 (Mar. 31, 1986).

NICOR states that the authority as requested is consistent with the Commission's rules and regulations and is necessary for NICOR to make short-term and spot gas sales. Further, NICOR states that, absent said authorization, the flexibility and efficiency necessary for successful operation in the spot market would be hindered.

Specifically, NICOR requests that the Commission authorize NICOR:

(i) To make sales for resale in interstate commerce for a period of two years, without supply or market limitations, of gas subject to the Commission's NGA jurisdiction that is produced from various interests owned by NICOR;

(ii) To make sales for resale in interstate commerce for a period of two years, without supply or market limitations, of gas subject to the Commission's NGA jurisdiction, produced from various interests attributable to other owners having interests in the same wells as NICOR, to the extent that such co-owners agree to same;

(iii) To abandon for a two-year term sales for resale of gas subject to the Commission's NGA jurisdiction and previously certificated by the Commission, to the extent that such gas is released by interstate pipelines for resale in the spot market to third parties; and

(iv) To abandon permanently (pre-granted abandonment) any sale for resale made on a short-term basis or in the spot market authorized pursuant to any certificate issued herein.

Sales proposed to be made by NICOR and its co-owners will not involve a dedication of reserves but will be based on periodic nominations, either by purchasers or by NICOR. The sales volumes, prices, purchasers, delivery points, transporter, and supply source will vary. NICOR proposes to sell and deliver to various short-term and spot gas purchasers all or a portion of the gas NICOR determines is available for sale at terms acceptable to NICOR for a particular timeframe. NICOR will not be obligated to sell gas pursuant to any nomination or proposed nomination until the exact volumes, terms and conditions, and prices are agreed to by NICOR and a purchaser. The actual contract between NICOR and the short-term and spot gas purchaser may be for all or any portion of the quantity which was set out in the nomination or proposed nomination.

Any person desiring to be heard or to make any protest with reference to said application should, on or before September 29, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-20942 Filed 9-16-86; 8:45 am]

BILLING CODE 6717-01-M

**Office of Energy Research****DOE/NSF Nuclear Science Advisory Committee; Open Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee

Date & Time: October 10, 1986 from 8:00 p.m. to 10:30 p.m.

Place: Vancouver Holiday Inn, Harbourside, East Commonwealth Ballroom, Vancouver, B.C. Canada  
Contact: John R. Erskine, Division of Nuclear Physics, U.S. Department of Energy, Washington, DC 20545, (301) 353-3613.

Purpose of the Committee: To advise the Department of Energy and the National Science Foundation on the scientific priorities within the field of basic nuclear science research.

**Tentative Agenda**

- Presentation and discussion of DOE and NSF FY 1987 budgets for nuclear physics and program planning issues.
- Formation of Subcommittees on Theory and Instrumentation.
- Public comment.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact John Erskine at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC between 9 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

Issued at Washington, DC on September 11, 1986.

J. Robert Franklin,

Deputy Advisory Committee, Management Officer.

[FR Doc. 86-20946 Filed 9-16-86; 8:45 am]

BILLING CODE 6450-01-M

# ENVIRONMENTAL PROTECTION AGENCY

[A-7-FRL-3080-6]

## Announcement of Actions Taken Under the PSD Regulation: Iowa and Missouri

Notice is hereby given that the Environmental Protection Agency (EPA), Region VII, has taken the following actions under the federal prevention of significant deterioration of air quality (PSD) regulation, 40 CFR 52.21 (as amended on August 7, 1980):

(A) The following companies received PSD permits:

ADC-II, Ltd., LIMITED PARTNERSHIP, Hamburg, Iowa: For construction of a new five million gallon per year grain ethanol production plant (SIC: 2869). The proposed project included the installation of the following new equipment: A coal-fired boiler (a spreader stoker boiler with a maximum rated heat input of 51 million BTUs per hour), fermentation and distillation facilities, ethanol storage tanks, dryers, product loading equipment, and related equipment. The proposed project qualified as a major new stationary source as interpreted under the PSD regulation. Pollutants reviewed: SO<sub>2</sub>, NO<sub>x</sub>, and VOC. *Permit Issued:* February 15, 1985.

H.P. SMITH COMPANY, Iowa City, Iowa: For installation of the following equipment: Two "release" coating production lines, a polyethylene coating production line, a flexographic printing press, and numerous natural gas-fired dryers and ovens. The proposed project qualified as a "major modification" of an existing major stationary source as interpreted under the PSD regulation. The plant produces "release" paper used by the tapes and label industry (SIC: 2641). Pollutants reviewed: VOC, SO<sub>2</sub>, NO<sub>x</sub>, and CO. *Permit Issued:* July 3, 1985.

CARGILL, INC., Sioux City, Iowa: For installation of a new coal-fired boiler (a spreader stoker boiler with a maximum rated heat input of 96 million BTUs per hour) and related equipment. The proposed project qualified as a "major modification" of an existing major stationary source. The plant extracts and refines soybean oil (SIC: 2075 and 2079). Pollutants reviewed: NO<sub>x</sub> and SO<sub>2</sub>. *Permit Issued:* December 3, 1985.

HUBINGER, Keokuk, Iowa: For installation of a new coal-fired boiler (a spreader stoker boiler with a maximum rated heat input of 207.9 million BTUs per hour) and related equipment. The proposed project qualified as a "major modification" of an existing major stationary source. In consideration of SO<sub>2</sub> emission reductions to be achieved

at existing plant boilers, the project was determined to be exempt from PSD review with respect to SO<sub>2</sub> emissions. The plant is a wet corn milling plant that produces starch, corn syrup, oil, sugar, and byproducts (SIC: 2046). Pollutants reviewed: NO<sub>x</sub> and CO. *Permit Issued:* January 23, 1986.

NORTHERN NATURAL GAS, Waterloo Compressor Station, Black Hawk County, Iowa: For installation of two new natural gas-fired internal combustion engines (4000-HP, each). The proposed project qualified as a "major modification" of an existing major stationary source. The plant is operated as a natural gas compressor station (SIC: 4922). Pollutants reviewed: NO<sub>x</sub>, VOC, and CO. *Permit Issued:* February 4, 1986.

GRAIN PROCESSING CORPORATION, Muscatine, Iowa: For relocation of two natural gas-fired watertube boilers (each with a maximum heat input of 169 million BTUs per hour) to the plant. The proposed project qualified as a "major modification" of an existing major stationary source. The plant processes corn and soybeans into various products for human and animal needs. Pollutant reviewed: NO<sub>x</sub>. *Permit Issued:* March 11, 1986.

(B) The following PSD nonapplicability determination was issued:

USG CORPORATION (U.S. Gypsum), Fort Dodge, Iowa: The regional office determined that the anticipated emission increase due to a proposed kiln replacement project does not constitute a "major modification" as interpreted under the regulation. As such, the proposed project was not subject to the review/approval requirements of the regulation. *Decision Issued:* October 23, 1985.

(C) The following PSD permits were revised:

MONSANTO, Muscatine, Iowa: The PSD permit that was issued to Monsanto on November 12, 1982, was revised to allow for the combustion of plant-generated sludge in the PSD-approved coal-fired boiler. Information submitted by the company does not indicate a significant net emission increase of a regulated pollutant due to sludge combustion. The revision was needed because the PSD permit specifically allowed the combustion of only coal in the approved boiler, except during periods of startup. The company desires to burn sludge on a continuing basis in addition to coal. *Revision Issued:* February 21, 1986.

GENERAL MOTORS, Wentzville, Missouri: Conditions 6 and 7 of the May 14, 1980, PSD permit regarding boiler CO

emissions and spray booth particulate emissions, were revised in accordance with the October 17, 1985, Consent Decree. Pollutants reviewed: PM and CO. *Revision Issued:* July 22, 1986.

Under section 307(b)(1) of the Clean Air Act (the Act), judicial review of any of the above actions is available only by the filing of a petition for review in the appropriate U.S. Circuit Court of Appeals within sixty (60) days of today's notice. Under section 307(b)(2) of the Act, any requirements associated with the above actions may not be challenged later in civil or criminal proceedings that may be brought by the EPA to enforce the requirements.

For the above actions, the appropriate court is the Eighth U.S. Circuit Court of Appeals (St. Louis, Missouri). A petition for review must be filed with the appropriate court on or before November 17, 1986.

Copies of the above actions and related information are available for public inspection at the following location: U.S. Environmental Protection Agency, Region VII, Air and Toxics Division, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101. Interested individuals may also contact Mr. Charles W. Whitmore at 913/236-2896 (FTS: 757-2896).

William Rice,

Acting Regional Administrator.

[FR Doc. 86-20916 Filed 9-16-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-100031; FRL-3081-a]

## SRATechnologies; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This is a notice to certain persons who have submitted information to EPA in connection with pesticide information requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). SRA Technologies has been awarded a contract to perform work for the EPA Office of Pesticide Programs (OPP), and will be provided access to certain information submitted to EPA under FIFRA and the FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. This information will be transferred to SRA Technologies consistent with the requirements of 40 CFR 2.307(h) and 2.308(h)(2) respectively. This action will enable

SRA Technologies to fulfill the obligations of the contract and this notice serves to notify affected persons.

**DATE:** SRA Technologies will be given access to this information no sooner than September 22, 1986.

**FOR FURTHER INFORMATION CONTACT:** By mail: William C. Grosse, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Office location and telephone number: Rm. 222, CM 2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-2613).

**SUPPLEMENTARY INFORMATION:** Under Contract No. 68-01-6799 (Delivery Order No. 036), SRA Technologies will analyze residue chemistry data that have been submitted to the Agency in support of pesticide tolerance petitions. This project is to develop a statistically sound basis for tolerance setting and to statistically examine other potential uses of residue data. This contract involves no subcontractor.

OPP has determined that access by SRA Technologies to information on the following pesticide chemicals is necessary for the performance of this contract:

acephate  
acifluorfen  
alachlor  
aldicarb  
aluminum phosphide  
aluminum tris(O-ethylphosphonate) (fosetyl-Al)  
amiben  
atrazine  
benomyl  
bromoxynil  
captafol  
captan  
carbaryl  
carbofuran  
carbosulfan (no established tolerances)  
chlordan  
chlorodimeform  
2-[(4-chloro-6-(ethylamino)S-triazin-2-yl)amino]-2-methylpropionitrile (cyanazine)  
chlorothalonil  
chlorpyrifos  
chlorsulfuron  
cyano (3-phenoxyphenyl)methyl 4-chloro-alpha-methylethyl benzeneacetate (fenvalerate)  
cypermethrin  
cyromazine  
DDT  
demeton  
daminozide  
dicamba  
O,O-diethyl(methylsulfinyl)phenyl phosphorothioate (fensulfthion)  
dinoseb  
diquat  
ethalfuralin  
ethephon  
ethylene dibromide  
hexakis(2-methyl-2-phenylpropyl) distannoxane

imazalil  
iprodione  
metalaxyl  
methamidophos  
methomyl  
methoprene  
metolachlor  
oxyfluorfen  
paraquat  
picloram  
propargite  
ronilan  
2-[1-ethoxyimino]butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one (sethoxydim)  
simazine  
terbacil  
thiabendazole  
thiophanate methyl  
trichlorpyr  
trifluralin  
triforine  
triphenyltin hydroxide

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 6, and 7 of FIFRA and obtained under sections 408 and 409 of the FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(2), the contract with SRA Technologies prohibits use of the information for any purpose other than purpose(s) specified in the contract; prohibits disclosure of the information in any form to a third party without prior written approval from the Agency or affected business; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release. In addition, SRA Technologies is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to this contractor until the above requirements have been fully satisfied. Records of information provided to this contractor will be maintained by the Project Officer for this contract in the EPA Office of Pesticide Programs. All information supplied to SRA Technologies by EPA for use in connection with this contract will be returned to EPA when SRA Technologies has completed its work.

Dated: September 3, 1986.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

[FR Doc. 86-20915 Filed 9-16-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30271; FRL-3079-5]

### Fermone Chemicals, Inc.; Application to Register a Pesticide Product

**AGENCY:** Environmental protection Agency (EPA).

### ACTION: Notice.

**SUMMARY:** This notice announces receipt of an application to conditionally register a pesticide product containing an active ingredient not included in any previously registered product pursuant to the provision of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

**DATE:** Comment by October 17, 1986.

**ADDRESS:** By mail submit comments identified by the document control number [OPP-30271] and the file symbol (53871-E) to: Information Services Section (TS-757C), Program Management and Support Division, Attn: Product Manager (PM) 17, Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, CM#2, Attn: PM 17, Registration Division (TS-767C), Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

**FOR FURTHER INFORMATION CONTACT:** Arturo Castillo, PM 17, (703-557-2600).

**SUPPLEMENTARY INFORMATION:** Fermone Chemicals, Inc., P.O. Box 2316, Glendale, AZ 85311, has submitted an application to EPA to conditionally register the pesticide product Stirrup-M, EPA File Symbol 53871-E, containing the active ingredient 3,7,11-trimethyl-2,6,10-dodecatriene-1-ol at 0.923 percent, pursuant to the provision of section 3(c)(4) of FIFRA. The application proposes that the product be classified for general use for control of *Tetranychus* (species) of mites on cotton and corn. Notice of receipt of this application does not imply a decision by the Agency on the application.

Notice of approval or denial of an application to register a pesticide product will be announced in the Federal Register. The procedure for

requesting data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the Program Management and Support Division (PMSD) office at the address provided from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the PMSD office (703-557-3262), to ensure that the file is available on the date of intended visit.

Authority: 7 U.S.C. 136.

Dated: August 28, 1986.

James W. Akerman,  
Acting Director, Registration Division, Office  
of Pesticide Programs.

[FR Doc. 86-20590 Filed 9-16-86; 8:45 am]

BILLING CODE 6560-50-M

[PP 5G3196/T530; FRL-3079-2]

#### E.I. du Pont de Nemours and Co., Inc.; Establishment of Temporary Tolerance

**AGENCY:** Environmental Protection  
Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has established a temporary tolerance for residues of Nustar fungicide [bis(4-fluorophenyl)methyl(1H-1,2,4-triazol-1-yl methyl)silane] in or on the raw agricultural commodity table grapes. This temporary tolerance was requested by E.I. du Pont de Nemours and Co., Inc. **DATE:** This temporary tolerance expires April 10, 1987.

**FOR FURTHER INFORMATION CONTACT:** By mail: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 229, CMc2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1900).

**SUPPLEMENTARY INFORMATION:** E.I. du Pont de Nemours and Co., Inc., Agricultural Chemicals Department, Walkers Mill Building, Barley Mill Plaza, Wilmington, DE 19898, has requested in pesticide petition PP 5G3196 the establishment of a temporary tolerance for residues of Nustar fungicide [bis(4-fluorophenyl)methyl(1H-1,2,4-triazol-1-yl

methyl)silane] in or on the raw agricultural commodity table grapes at 0.05 part per million (ppm).

This temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of experimental use permit 352-EUP-125, which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that establishment of the temporary tolerance will protect the public health. Therefore, the temporary tolerance has been established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.
2. E.I. du Pont de Nemours and Co., Inc., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires April 10, 1987. Residues not in excess of this amount remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 610-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Authority: 21 U.S.C. 346a(j).

Dated: September 5, 1986.

James W. Akerman,  
Acting Director, Registration Division, Office  
of Pesticide Programs.

[FR Doc. 86-20591 Filed 9-16-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51640; FRL-3080-1]

#### Certain Chemicals Premanufacture Notices

**AGENCY:** Environmental Protection  
Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of twenty eight such PMNs and provides a summary of each.

**DATES:** Close of Review Period:

P 86-1611, 86-1612, and 86-1613—  
November 27, 1986.

P 86-1614, 86-1615, 86-1616, and 86-  
1617—December 2, 1986.

P 86-1618, 86-1619, 86-1620, 86-1621, 86-  
6122, 86-1623, 86-6124, 86-1625, 86-  
1626, 86-1627, 86-1628, 86-1629—  
December 3, 1986.

P 86-1630, 86-1631, 86-1632, 86-1633, 86-  
1634, 86-1635, 86-1636, 86-1637, and  
86-1638—December 4, 1986.

Written comments by:

P 86-1611, 86-1612, and 86-1613—  
October 28, 1986.

P 86-1614, 86-1615, 86-1616, and 86-  
1617, 86-1618, 86-1619, 86-1620—  
November 2, 1986.

P 86-1621, 86-1622, 86-1623, 86-1624, 86-  
1625, 86-1626, 86-1627, 86-1628, 86-  
1629—November 3, 1986.

P 86-1630, 86-1631, 86-1632, 86-1633, 86-  
1634, 86-1635, 86-1636, 86-1637, and  
86-1638—November 4, 1986.

**ADDRESS:** Written comments, identified by the document control number "[OPTS-51640]" and the specific PMN number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Room E-201, 401 M Street SW., Washington, DC 20460, (202) 382-3532.

**FOR FURTHER INFORMATION CONTACT:**

Wendy Cleland-Hamnett,  
Premanufacture Notice Management  
Branch, Chemical Control Division (TS-  
794), Office of Toxic Substances,  
Environmental Protection Agency, Room  
E-611, 401 M Street SW., Washington,  
DC 20460, (202) 382-3725.

**SUPPLEMENTARY INFORMATION:** The  
following notice contains information  
extracted from the non-confidential  
version of the submission provided by  
the manufacturer on the PMNs received  
by EPA. The complete non-confidential  
document is available in the Public  
Reading Room NE-G004 at the above  
address between 8:00 a.m. and 4:00 p.m.,  
Monday through Friday, excluding legal  
holidays.

**P 86-1611**

*Manufacturer.* Confidential.  
*Chemical.* (G) Polyurethane.  
*Use/Production.* (G) Polymer having  
an open industrial use. Prod. range:  
36,500 to 51,000 kg/yr.  
*Toxicity Data.* No data submitted.  
*Exposure.* Processing: dermal, a total  
of 16 workers, up to 6 hrs/da, up to 23  
day/yr.  
*Environmental Release/Disposal.*  
Less than 3 to 56 kg/batch released to  
land. Disposal by approved landfill.

**P 86-1612**

*Importer.* Confidential.  
*Chemical.* (G) 9, 10 Anthracenedione,  
substituted.  
*Use/Production.* (G) Industrial and  
commercial colorant for plastics. Prod.  
range: Confidential.  
*Toxicity Data.* Acute oral: >6,000 mg/  
kg; Irritation: Skin—Non-irritant, Eye—  
Non-irritant; Ames test: Weak response.  
*Exposure.* Confidential.  
*Environmental Release/Disposal.*  
Confidential.

**P 86-1613**

*Importer.* Confidential.  
*Chemical.* (G) Ester of aliphatic acid.  
*Use/Production.* (G) Highly dispersive  
use. Prod. range: Confidential.  
*Toxicity Data.* No data submitted.  
*Exposure.* Confidential.  
*Environmental Release/Disposal.*  
Confidential.

**P 86-1614**

*Manufacturer.* Confidential.  
*Chemical.* (G) Polyalkyleneglycol  
ester.  
*Use/Production.* (G) Open, non-  
dispersive use. Prod. range:  
Confidential.  
*Toxicity Data.* No data submitted.  
*Exposure.* Confidential.  
*Environmental Release/Disposal.*  
Confidential.

**P 86-1615**

*Manufacturer.* Confidential.  
*Chemical.* (G) Alkylmetallic oxide,  
reaction products with esters and  
mercapto esters.  
*Use/Production.* (G) Open, non-  
dispersive use. Prod. range:  
Confidential.  
*Toxicity Data.* No data submitted.  
*Exposure.* Confidential.  
*Environmental Release/Disposal.*  
Confidential.

**P 86-1616**

*Manufacturer.* Confidential.  
*Chemical.* (G) S-alkenyl-O, O-dialkyl  
dithiophosphate.  
*Use/Production.* (G) Lubricant  
additive-contained use. Prod. range:  
Confidential.  
*Toxicity Data.* Acute oral: >5.0 gm/  
kg; Acute dermal >2.0 gm/kg; Irritation:  
Eye—Irritant; Ames test: Nonmutagenic.  
*Exposure.* Confidential.  
*Environmental Release/Disposal.*  
Confidential.

**P 86-1617**

*Manufacturer.* Confidential.  
*Chemical.* (G) Dialkyl  
dithiophosphoric acid.  
*Use/Production.* (G) Destructive use—  
chemical intermediate. Prod. range:  
Confidential.  
*Toxicity Data.* No data submitted.  
*Exposure.* Confidential.  
*Environmental Release/Disposal.*  
Confidential.

**P 86-1618**

*Manufacturer.* Georgia-Pacific  
Corporation.  
*Chemical.* (G) Phenolic resin ester.  
*Use/Production.* (G) Binder-open, non-  
dispersive use. Prod. range:  
Confidential.  
*Toxicity Data.* Acute oral: >5.0 gm/  
kg; Irritation: Skin—Primary irritant,  
Eye—Moderate; Inhalation: Non-toxic.  
*Exposure.* Manufacturer: dermal, a  
total of 4 workers, up to 4 hrs/da, up to  
40 da/yr.  
*Environmental Release/Disposal.*  
Confidential.

**P 86-1619**

*Manufacturer.* Henkel Corporation.  
*Chemical.* (G) Quarternary  
compounds.  
*Use/Import.* (S) Industrial and  
commercial hair conditioner, corrosion  
inhibitor, textile auxiliaries,  
disinfectants or biocides. Import range:  
500 to 3,000 kg/yr.  
*Toxicity Data.* No data submitted.  
*Exposure.* No data submitted.  
*Environmental Release/Disposal.* No  
data submitted.

**P 86-1620**

*Manufacturer.* Confidential.  
*Chemical.* (G) Dioctyl cyclohexane.  
*Use/Import.* (S) Emollients for  
cosmetics, metal cutting fluids, textile  
lubricant. Import. range: 10,000 to 30,000  
kg/yr.  
*Toxicity Data.* No data submitted.  
*Exposure.* No data submitted.  
*Environmental Release/Disposal.* No  
data submitted.

**P 86-1621**

*Manufacturer.* Confidential.  
*Chemical.* (G) N-(substituted)-  
substituted-substituted-acetamide, -  
metal complex.  
*Use/Production.* (S) Industrial paint  
colorant. Prod. range: Confidential.  
*Toxicity Data.* No data submitted.  
*Exposure.* Confidential.  
*Environmental Release/Disposal.*  
Confidential.

**P 86-1622**

*Importer.* Confidential.  
*Chemical.* (S) Siloxane, 2,4-toluene  
diisocyanate, hydroxy ethyl acrylate.  
*Use/Production.* (S) Industrial  
radiation cure. Prod. range: 35,000 to  
70,000 kg/yr.  
*Toxicity Data.* No data submitted.  
*Exposure.* No data submitted.  
*Environmental Release/Disposal.* No  
data submitted.

**P 86-1623**

*Manufacturer.* Confidential.  
*Chemical.* (G) Chlorinated ester.  
*Use/Production.* (G) Lubricant, Prod.  
range: Confidential.  
*Toxicity Data.* No data submitted.  
*Exposure.* Confidential.  
*Environmental Release/Disposal.*  
Confidential.

**P 86-1624**

*Manufacturer.* The Dow Chemical  
Company.  
*Chemical.* (G) Double benzophenone.  
*Use/Production.* (S) Site limited  
chemical intermediate. Prod. range:  
Confidential.  
*Toxicity Data.* No data submitted.  
*Exposure.* Confidential.  
*Environmental Release/Disposal.* No  
release.

**P 86-1625**

*Manufacturer.* The Dow Chemical  
Company.  
*Chemical.* (G) Double benzophenone.  
*Use/Production.* (S) Site limited  
chemical intermediate. Prod. range:  
Confidential.  
*Toxicity Data.* No data submitted.  
*Exposure.* Confidential.

*Environmental Release/Disposal.* No release.

**P 86-1626**

*Manufacturer.* The Dow Chemical Company.

*Chemical.* (G) Aromatic alcohol.  
*Use/Production.* (S) Site limited chemical intermediate. Prod. range: Confidential.

*Toxicity Data.* No data submitted.  
*Exposure.* Confidential.  
*Environmental Release/Disposal.* No release.

**P 86-1627**

*Manufacturer.* The Dow Chemical Company.

*Chemical.* (G) Aromatic alcohol.  
*Use/Production.* (S) Site limited chemical intermediate. Prod. range: Confidential.

*Toxicity Data.* No data submitted.  
*Exposure.* Confidential.  
*Environmental Release/Disposal.* No release.

**P 86-1628**

*Manufacturer.* Confidential.

*Chemical.* (G) Chlorinated vegetable oil.

*Use/Production.* (G) Industrial lubricant. Prod. range: Confidential.

*Toxicity Data.* No data submitted.  
*Exposure.* Confidential.  
*Environmental Release/Disposal.* Confidential.

**P 86-1629**

*Importer.* Mitsubishi Rayon America, Inc.

*Chemical.* (S) Di-2-methyl-2-propenyl phthalate.

*Use/Import.* (S) Monomer for casting plastic lenses. Import range: 50 to 1,500 kg/yr.

*Toxicity Data.* Acute oral: >2,300 mg/kg; acute dermal: >1,000 mg/kg; Irritation Eye—Non-irritant.

*Exposure.* No data submitted.  
*Environmental Release/Disposal.* No data submitted.

**P 86-1630**

*Manufacturer.* Essex Specialty Products, Inc.

*Chemical.* (G) Partially silylated aliphatic isocyanate oligomer.

*Use/Production.* (S) Site limited intermediate for use in polymer synthesis for use in coatings. Prod. range: 1,125 to 3,000 kg/yr.

*Toxicity Data.* No data submitted.  
*Exposure.* Processing: a total of 2 workers, up to 4 hrs/da.

*Environmental Release/Disposal.* No data submitted.

**P 86-1631**

*Manufacturer.* Confidential.

*Chemical.* (G) Styrenated acrylate methacrylate polymer.

*Use/Production.* (G) Industrial polymer having a dispersive use. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Processing: a total of 30 workers, up to 8 hrs/da, up to 212 da/yr.  
*Environmental Release/Disposal.* 2 to 127 kg/batch released to land. Disposal by approved landfill.

**P 86-1632**

*Manufacturer.* Confidential.

*Chemical.* (G) Mercapto, paintable silicone wax.

*Use/Production.* (G) Processing aid. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.  
*Environmental Release/Disposal.* Confidential.

**P 86-1633**

*Manufacturer.* Essex Specialty Products, Inc.

*Chemical.* (G) Silyated aliphatic polyurea lacquer.

*Use/Production.* (S) Industrial polymer used for coatings manufacture. Prod. range: 15,000 to 40,000 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Processing: a total of 2 workers, up to 4 hrs/da.

*Environmental Release/Disposal.* Confidential.

**P 86-1634**

*Importer.* SNPE, Inc.

*Chemical.* (G) Azlactone.

*Use/Import.* (G) Industrial building block to produce coatings. Import range: Confidential.

*Toxicity Data.* Acute oral: 1,000-2,000 mg/kg; Irritation: Skin-Mild, Eye-Extreme; Ames Test: Non-mutagenic.

*Exposure.* No data submitted.  
*Environmental Release/Disposal.* No data submitted.

**P 86-1635**

*Manufacturer.* Confidential.

*Chemical.* (G) Polyhydric phenol, poly diazo naphthaquinone sulfonate.

*Use/Production.* (S) Industrial polymer used for coatings manufacture. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Confidential.

**P 86-1636**

*Manufacturer.* Confidential.

*Chemical.* (G) Unsaturated aldehyde.

*Use/Production.* (S) Site limited and industrial chemical. Intermediate. Prod. range: Confidential.

*Toxicity Data.* Acute oral: >250 mg/kg; Acute dermal: 226 mg/kg; Irritation:

Skin-Corrosive; Eye-Corrosive; Ames test: Both positive and negative.

*Exposure.* Use: a total of 14 workers, up to 1.5 hrs/da, up to 56 da/yr.

*Environmental Release/Disposal.* Confidential.

**P 86-1637**

*Manufacturer.* Drew Division of Ashland Chemicals Company.

*Chemical.* (G) 1-Substituted propane, 2-methyl-2-[(1-oxo-2-propenyl)amino]-monosodium salt polymer with 2-propenamide and 2-propenoic acid, sodium salt.

*Use/Production.* (S) Industrial and commercial sludge dewatering, effluent waste treatment. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: a total of 9 workers, up to 2 hrs/da, up to 15 da/yr.

*Environmental Release/Disposal.* .5 to 1.0 kg/batch released to water. Disposal by publicly owned treatment work (POTW).

**P 86-1638**

*Manufacturer.* Drew Division of Ashland Chemicals Company.

*Chemical.* (G) Potassium salt, 2-methyl-2-[(1-oxo-2-propenyl) amino]-monosodium salt polymer with 2-propenamide and 2-propenoic acid, potassium salt.

*Use/Production.* (S) Industrial and commercial sludge dewatering, effluent waste treatment. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: a total of 9 workers, up to 2 hrs/da, up to 15 da/yr.

*Environmental Release/Disposal.* .5 to 1.0 kg/batch released to water. Disposal by POTW.

Dated: September 8, 1986.

James A. Combs,

Acting Division Director, Information Management Division.

[FR Doc. 86-20751 Filed 9-16-86; 8:45 am]

BILLING CODE 6560-50-M

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### Agency Report Forms Under OMB Review

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Request for comments.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed information collection requests to OMB for review and

approval, and to publish a notice in the *Federal Register* notifying the public that the agency has made such a submission. The proposed report form under review is listed below.

**DATE:** Comments must be received on or before November 3, 1986. If you anticipate commenting on a report form, but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Reviewer and the Agency Liaison Officer of your intent as early as possible.

**ADDRESS:** Copies of the proposed report form, the request for clearance, (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Liaison Officer and the OMB Reviewer.

**FOR FURTHER INFORMATION CONTACT:** EEOC Agency Liaison Officer: Margaret P. Ulmer, Financial and Resource Management Services, Room 386, 2401 E. Street, NW., Washington, DC 20507; Telephone (202) 634-1932.

**OMB Reviewer:** James Mason, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503; Telephone (202) 395-6880.

Type of Request: Revision of a currently approved collection

Title: Higher Education Staff

Information Report EEO-6

Frequency of Report: Biennially

Type of Respondent: Business/other institutions/State or local governments

Standard Industrial Classification (SIC) Codes: 822,824,829

Description of Affected Public: Institutions of higher education with 15 or more full-time employees.

Responses: 3,000

Reporting Hours: 12,000

Federal Costs: \$48,000.00

Applicable Under Section 3504(h) of Public Law 95-511: Not applicable

Number of Forms: 1

Data are used by EEOC in its compliance, litigation, and conciliation and voluntary programs activities. Data are shared with other Federal agencies, and 25 State and 77 local Fair Employment Practices Commissions (FEPC's) in support of their EEO programs after pledging to abide by EEO-6 confidentiality restrictions.

For the Commission.

John Seal,

Management Director, Equal Employment Opportunity Commission.

[FR Doc. 86-20922 Filed 9-16-86; 8:45 am]

BILLING CODE 6570-06-M

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Information Collection Submitted to OMB for Review

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

**Title of Information Collection:** Reports on Indebtedness of Executive Officers and Principal Shareholders to Correspondent Banks and to Own Bank (OMB No. 3064-0023).

**Background:** In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget Form SF-83, "Request for OMB Review," for the information collection system identified above.

**ADDRESS:** Written comments regarding the submission should be addressed to Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to John Keiper, Assistant Executive Secretary (Administration), Federal Deposit Insurance Corporation, Washington, DC 20429.

**Comments:** Comments on this collection of information should be submitted on or before October 2, 1986.

**FOR FURTHER INFORMATION CONTACT:** Requests for a copy of the submission should be sent to John Keiper, Assistant Executive Secretary (Administration), Federal Deposit Insurance Corporation, Washington, DC 20429, telephone (202) 898-3810.

**SUMMARY:** The FDIC is requesting OMB approval to extend, for a three-year period, the reporting and disclosure requirements contained in FDIC regulation 12 CFR 349. According to 12 CFR 349.3, if during any calendar year an executive officer or principal shareholder of an insured State nonmember bank or a related interest of such a person has outstanding an extension of credit from a correspondent bank, the executive officer or principal shareholder must make a written report to the board of directors of the insured State nonmember bank on or before January 31 of the following year.

Under 12 CFR 349.9, upon receipt of a written request, an insured State nonmember bank shall disclose to the requester the name of each executive officer or principal shareholder of the bank whose aggregate indebtedness (1) at the bank itself as of the end of the

latest calendar quarter; or (2) at the correspondent banks of the disclosing bank at any time during the previous calendar year equals or exceeds the lesser of five percent of the disclosing bank's capital stock and unimpaired surplus or \$500,000, but in no event shall an insured State nonmember bank be required to make such disclosure where the aggregate indebtedness of an executive officer or principal shareholder is less than \$25,000.

The FDIC estimates that the annual burden for reporting and disclosure as required by 12 CFR 349, amounts to eight hours at the average insured State nonmember bank.

Dated: September 12, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86-21018 Filed 9-16-86; 8:45 am]

BILLING CODE 6714-01-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### Redelegation of Authority With Respect to State and Local Programs and Support Directorate Programs

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Redelegation of authority of Associate Director, State and Local Programs and Support (SLPS).

**SUMMARY:** Notice is hereby given, until an Associate Director is appointed, that Dave McLoughlin, Deputy Associate Director, is hereby authorized to exercise the delegation of authority set forth at § 2.61 of Title 44 of the Code of Federal Regulations with all the powers, functions, and duties delegated or assigned to the Associate Director, State and local Programs and Support, including those in § 2.55.

**EFFECTIVE DATE:** This delegation and designation shall be effective the date of publication.

**FOR FURTHER INFORMATION CONTACT:** William L. Harding, Office of General Counsel, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, telephone (202) 646-4096.

Dated: September 12, 1986.

Julius W. Becton, Jr.,

Director.

[FR Doc. 86-20962 Filed 9-16-86; 8:45 am]

BILLING CODE 6718-01-M

**FEDERAL HOME LOAN BANK BOARD****Consolidated Savings Bank, Irvine, CA; Appointment of Receiver**

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Consolidated Savings Bank, Irvine, California on August 29, 1986.

Dated: September 11, 1986.

Jeff Sconyers,  
Secretary.

[FR Doc. 86-21008 Filed 9-16-86; 8:45 am]

BILLING CODE 6720-01-M

**First Savings Association of Kilgore, Kilgore, TX; Appointment of Receiver**

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for First Savings Association of Kilgore, Kilgore, Texas, on August 29, 1986.

Dated: September 11, 1986.

Jeff Sconyers,  
Secretary.

[FR Doc. 86-21009 Filed 9-16-86; 8:45 am]

BILLING CODE 6720-01-M

**Reserve Savings and Loan Association, Wichita, KS; Appointment of Receiver**

Notice is hereby given that pursuant to the authority contained in section 406(c)(2) of the National Housing Act, 12 U.S.C. 1729(c)(2) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Reserve Savings and Loan Association, Wichita, Kansas on August 27, 1986.

Dated: September 11, 1986.

Jeff Sconyers,  
Secretary.

[FR Doc. 86-21010 Filed 9-16-86; 8:45 am]

BILLING CODE 6720-01-M

**Federal Savings and Loan Advisory Council Meeting**

**AGENCY:** Federal Home Loan Bank Board.

**ACTION:** Clarification of agenda for September FSLAC meeting.

**SUMMARY:** This notice sets forth a clarification of the agenda of a forthcoming meeting of the Federal Savings and Loan Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

**DATES:** September 24, 1986, 9:00 a.m. to 4:30 p.m.; September 25, 1986, 9:00 a.m. to 11:30 a.m.

**ADDRESS:** Federal Home Loan Bank Board, Board Room, 6th Floor, 1700 G St. NW., Washington, DC. 20552.

**FOR FURTHER INFORMATION CONTACT:**

John M. Buckley, Jr. (202/377-6577),  
Debra J. Ahearn (202/377-6924).

**SUPPLEMENTARY INFORMATION:** The third and fourth items previously listed on the agenda (September 8, 1986, FR 32000) are items that should be listed as follows:

What position and/or actions should the FHLBB take as to FSLIC insured institutions that seek to switch insurance from FSLIC to FDIC and as to mergers of FSLIC institutions into FDIC institutions?

Jeff Sconyers,  
Secretary.

[FR Doc. 86-21007 Filed 9-16-86; 8:45 am]

BILLING CODE 6720-01-M

**FEDERAL MARITIME COMMISSION****Agreement(s) Filed**

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 203-010994.

Title: Merzario, NCHP and Sea-Land Cooperative Working Agreement.

**Parties:**

Andrea Merzario Limited Shipping Division (A-M, Ltd.)  
Navale et Commerciale Havraise  
Penninsulaire (NCHP)

Sea-Land Service, Inc. (Sea-Land)

**Synopsis:** The proposed agreement would permit Sea-Land and NCHP to charter space aboard vessels operated by A-M, Ltd., in the trade between the port of Jebel Ali, Dubai, U.A.E. and the ports of Karachi, Pakistan and Bombay and Kandla, India. The initial term of the agreement would be one year.

Agreement No.: 224-010995.

Title: Seacon Terminals/EAC Lines Terminal Services Agreement.

**Parties:**

Seacon Terminals, Inc. (Seacon)  
EAC Trans Pacific Service Ltd. (EAC)

**Synopsis:** The proposed agreement would permit Seacon to provide container terminal services in the Port of Seattle for containers to be loaded onto or discharged from container vessels owned, chartered or managed by EAC and operated in its Trans-Pacific Northwest Container Service.

Agreement No.: 224-010996.

Title: Seacon Terminals/Kawasaki Kisen Kaisha Terminal Service Agreement.

**Parties:**

Seacon Terminals, Inc. (Seacon)  
Kawasaki Kisen Kaisha, Ltd. (K-Line)

**Synopsis:** The proposed agreement would permit Seacon to provide container terminal services in the Port of Seattle for containers to be loaded onto or discharged from container vessels owned, chartered or managed by K-Line and operated in its Trans-Pacific Northwest Container Service.

Agreement No.: 224-010997.

Title: Seacon Terminals/Mitsui O.S.K. Terminal Service Agreement.

**Parties:**

Seacon Terminals, Inc. (Seacon)  
Mitsui O.S.K. Lines, Ltd. (Mitsui)

**Synopsis:** The proposed agreement would permit Seacon to provide container terminal services in the Port of Seattle for containers to be loaded onto or discharged from container vessels owned, chartered or managed by Mitsui and operated in its Trans-Pacific Northwest Container Service.

Dated: September 11, 1986.

By Order of the Federal Maritime Commission.

Joseph C. Polking,  
Secretary.

[FR Doc. 86-20954 Filed 9-16-86; 8:45 am]

BILLING CODE 6730-01-M

**Ocean Freight Forwarder License; Revocations; A&D Forwarding, Inc., et al.**

Notice is hereby given that the following ocean freight forwarder

licenses have been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR Part 510.

License Number: 2974

Name: A&D Forwarding, Inc.

Address: 1235 South 23rd Street,  
Phoenix, AZ 85034

Date Revoked: August 26, 1986

Reason: Surrendered license voluntarily

License Number: 1683

Name: Pacific Steamship Agency, Inc.

dba R.B. Abbott & Co., Inc.

Address: 1050 Green Street, San  
Francisco, CA 94133

Date Revoked: August 28, 1986

Reason: Failed to maintain a valid  
surety bond

License Number: 2822

Name: DMS International Freight

Forwarding Company, Inc.

Address: P.O. Box 271845, Houston, TX  
77277

Date Revoked: August 31, 1986

Reason: Failed to maintain a valid  
surety bond

License Number: 2445

Name: Jorge A. Colon dba King

International Freight Forwarders

Address: 8013 NW 66th Street, Miami,  
FL 33166

Date Revoked: August 31, 1986

Reason: Failed to maintain a valid  
surety bond

Robert G. Drew,

Director, Bureau of Tariffs.

[FR Doc. 86-20953 Filed 9-16-86; 8:45 am]

BILLING CODE 6730-01-M

The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

**DATE:** Comments must be received within seven calendar days of the date of publication in the Federal Register.

**ADDRESS:** Comments, which should refer to the OMB Docket number (or Agency form number in the case of a new information collection that has not yet been assigned an OMB number), should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551, or delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:**

A copy of the request for clearance (SF 83), supporting statement, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nancy Steele—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3822)

*Proposal to approve under OMB delegated authority the implementation of the following reporting:*

1. Report title: One-Time Market Research Project on Currency Design Changes

Agency form number: FR 3040

OMB Docket number: 7100-0221

Frequency: One-time

Reporters: Individuals

Small businesses are not affected.

General description of report:

This information collection is voluntary [12 U.S.C. 411 through 421] and is given confidential treatment [5 U.S.C. 552(b)(5)].

Findings of the proposed research will be used to help communicate to the

public the reasons for the changes in the features of currency and how the new features should be used to identify genuine from counterfeit currency. It is also hoped that insight will be gained on fostering public understanding of the changes.

Board of Governors of the Federal Reserve System, September 12, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-21066 Filed 9-16-86; 8:45 am]

BILLING CODE 6210-01-M

## Agency Forms Under Review

September 12, 1986.

### Background

Notice is hereby given of the submission of proposed information collection(s) to the Office of Management and Budget (OMB) for its review and approval under the Paperwork Reduction Act (Title 44 U.S.C. Chapter 35) and under OMB regulations on Controlling Paperwork Burdens on the Public (5 CFR Part 1320). A copy of the proposed information collection(s) and supporting documents is available from the agency clearance officer listed in the notice. Any comments on the proposal should be sent to the OMB desk officer listed in the notice. OMB's usual practice is not to take any action on a proposed information collection until at least ten working days after notice in the Federal Register, but occasionally the public interest requires more rapid action.

### FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Nancy Steele—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3822)

OMB Desk Officer—Robert Neal—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202-395-6880)

*Request for OMB approval to extend without revision:*

1. Report title: Monthly Consolidated Foreign Currency Report of Banks in the United States.

Agency form number: FFIEC 035

OMB Docket number: 7100-0178

Frequency: Monthly

Reporters: U.S. banks and U.S. branches or agencies of foreign banks

Small businesses are not affected.

General description of report:

## FEDERAL RESERVE SYSTEM

### Agency Forms Under Review

September 12, 1986.

### Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files.

This information collection is mandatory [12 U.S.C. 248(a) and 1844(c)] and is given confidential treatment.

This report is needed to monitor the foreign exchange positions of major banking institutions and to detect changes in policy in individual banks. Also, the report is used as an aid in the analysis of foreign exchange markets.

Board of Governors of the Federal Reserve System, September 12, 1986

William W. Wiles,

Secretary of the Board.

[FR Doc. 21067 Filed 9-16-86; 8:45 am]

BILLING CODE 6210-01-M

### **La Jolla Bancorp; Application To Engage de Novo in Permissible Nonbanking Activities**

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments

regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 3, 1986.

**A. Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *La Jolla Bancorp*, La Jolla, California; to engage *de novo* in the making and servicing of mortgage loans by moving L J Mortgage Company from Applicant's wholly-owned subsidiary, La Jolla Bank and Trust Co., to Applicant, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, September 11, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-20928 Filed 9-16-86; 8:45 am]

BILLING CODE 6210-01-M

### **The Sumitomo Trust and Banking Co., Ltd.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies**

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than October 9, 1986.

**A. Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Sumitomo Trust and Banking Co., Ltd.*; Osaka, Japan; to become a

bank holding company by acquiring 100 percent of the voting shares of The Sumitomo Trust and Banking Co., USA, New York, New York, a *de novo* bank.

**B. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Jefferson Bancorp, Inc.*, Miami Beach, Florida; to acquire 100 percent of the voting shares of Jefferson National Bank, Boca Raton, Florida, a *de novo* bank.

2. *SouthTrust Corporation*, Birmingham, Alabama; to acquire 100 percent of the voting shares of SouthTrust Bank of Decatur, Decatur, Alabama, a *de novo* bank.

**C. Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *A.B.N.-Stichting*, Amsterdam, The Netherlands; *Algemene Bank Nederland N.V.*, Amsterdam, The Netherlands; *ABN Company, Inc.*, Chicago, Illinois; and *LaSalle National Corporation*, Chicago, Illinois; to acquire 100 percent of the voting shares of Lisle Bancorporation, Lisle, Illinois, and thereby indirectly acquire Bank of Lisle, Lisle, Illinois.

2. *First Chicago Corporation*, Chicago, Illinois, and *American National Corporation*, Chicago, Illinois; to acquire 100 percent of the voting shares of Bank of Lansing, Lansing, Illinois. Comments on this application must be received by October 6, 1986.

3. *Mid AmeriBancorp, Inc.*, Chicago, Illinois; to become a bank holding company by acquiring 42.64 percent of the voting shares of Mid-America National Bank of Chicago, Chicago, Illinois.

4. *Northeast Wisconsin Financial Services, Inc.*, Sturgeon Bay, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Sturgeon Bay, Sturgeon Bay, Wisconsin.

**D. Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Magna Group, Inc.*, Belleville, Illinois; to acquire 100 percent of the voting shares of Bank of Cahokia, Cahokia, Illinois.

**E. Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

**1. Verde Valley Bancorp, Inc.,**  
Cottonwood, Arizona; to become a bank holding company by acquiring 100 percent of the voting shares of The Bank of Verde Valley, Cottonwood, Arizona, a *de novo* bank.

Board of Governors of the Federal Reserve System, September 11, 1986.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 86-20929 Filed 9-16-86; 8:45 am]

BILLING CODE 6210-01-M

## GENERAL SERVICES ADMINISTRATION

### Commercial Item Descriptions (CIDs) for Typewriter Elements

**AGENCY:** Federal Supply Service, GSA.

**ACTION:** Notice of CIDs development resulting in conversion from multiple award to single award Federal supply schedule for typewriter elements.

**SUMMARY:** Notice is hereby given that the Office Supplies and Packaging Procurement Division, Federal Supply Service, has developed Commercial Item Descriptions (CIDs) A-A-2364 and A-A-2365 for use in the procurement of IBM brand or compatible, 88 and 96 character, Typewriter Elements. Items will be converted from Federal Supply Schedule FSC 75, Part II, Section A (Multiple Award) to Federal Supply Schedule FSC 75, Part II, Section B (Single Award) effective the contract period beginning September 1, 1987.

**DATES:** Interested parties are encouraged to submit comments on the intended procurement action and/or the CIDs involved. To be considered, comments must be received in writing not later than December 1, 1986.

**ADDRESS:** Requests for copies of these CIDs and comments on either the CIDs or this intended procurement action should be addressed to Mr. Robert Hamilton, General Services Administration, Federal Supply Service, Office Supplies and Packaging Procurement Division (2FYS), 26 Federal Plaza, New York, NY 10278.

**FOR FURTHER INFORMATION CONTACT:** Robert Hamilton, Office Supplies and Packaging Procurement Division (212) 264-2666.

August 28, 1986.

**Harold E. Murrell,**

*Director, Office Supplies and Paper Products Commodity Center.*

[FR Doc. 86-21027 Filed 9-16-86; 8:45 am]

BILLING CODE 6820-24-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control

#### Grants for Occupational Safety and Health Educational Resource Centers; Program Announcement

##### I. Introduction

This program announcement provides information about the Educational Resource Center (ERC) grant program administered by the National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control (CDC).

##### II. Authority

Grants for Educational Resource Centers are authorized under the Occupational Safety and Health Act of 1970 (29 U.S.C. 670(a)). Program regulations applicable to these grants are contained in Part 86, Subpart B, of Title 42, Code of Federal Regulations, Occupational Safety and Health Training Grants.

##### III. Availability of Funds and Period of Support

The Administration's budget request for Fiscal Year 1987 does not include funding for this program. This notice regarding applications does not reflect any change in this policy. However, should funds become available for this purpose, this contingency action will provide for receipt of applications and appropriate site visit review of applications to assure that grants can be awarded in a timely fashion consistent with the needs of the program.

##### IV. Background Information

Training grant programs were initiated in 1971 to assist public or private nonprofit educational institutions in establishing, strengthening or expanding graduate, undergraduate or special training of persons in the field of occupational safety and health in order to provide an adequate supply of qualified personnel to carry out the purposes of the Act. Past and current training project grants have provided support for, primarily, single discipline and single level occupational safety and health training programs in occupational medicine, occupational health nursing, industrial hygiene, occupational safety and other areas at either the graduate, undergraduate or technical paraprofessional level. These four basic disciplines are generally accepted as the core disciplines for training occupational safety and health professionals (OS&H). The multidisciplinary scope of training was

recognized by many in the mid-1970's to be diverse and complex. It was also realized that special problems arise at the workplace from which new concepts develop that do not fall into any single, traditional discipline. Within this framework, the Educational Resource Center concept developed whereby multidisciplinary training and education was provided to increased numbers of people who would in turn achieve effective prevention of the many occupational health and safety hazards that occur at the workplace. The Center grant is a mechanism for combining and expanding existing educational activities and arranging for coordinated multidisciplinary and multi-level practitioner and research training, continuing education and outreach in the occupational safety and health field.

Evaluation of the operation and progress of these Centers led to the recognition of the need to emphasize research and research training as part of the educational approach. New investigators and teachers and focused research are needed in the OS&H field. The Educational Resource Center, with its critical mass of OS&H professionals, is an appropriate site for the development of new research interests and for preparation of new scientists and faculty for expanding academic programs.

##### V. Objectives

This program is intended to afford opportunity for full and part-time academic career training, for cross training of occupational safety and health practitioners, for mid-career training in the field of occupational safety and health, and to provide access to many different and relevant courses for students pursuing various degrees in other fields. Further, the combination of these opportunities should result in cross-fertilization among the various disciplines and levels of occupational safety and health practice and research.

It is anticipated that new Centers would form from bases of ongoing educational, research and training activities in occupational safety and health. It is not intended that new Centers generate these activities *de novo* since this would not meet the objectives of this program. Centers applying for renewal support are expected to demonstrate and provide evidence that strong core discipline programs are in place and to have demonstrated a proficiency in all aspects of ERC activities.

There are four core discipline programs (Occupational Medicine, Occupational Health Nursing, Industrial

Hygiene, and Occupational Safety) each defined as a separate entity which provides a quality faculty and academic curriculum leading to a degree in that occupational health speciality. In addition, a core program must have matriculating students and graduated students.

Non-core or allied discipline activities are defined as those which support the core programs but which may or may not offer an academic curriculum leading to an occupational safety and health degree. Examples of non-core activities include, but are not limited to, epidemiology, biostatistics, industrial toxicology, and ergonomics.

Continuing education is a non-academic degree program which offers short-term training in occupational safety and health primarily through courses and workshops. Outreach is defined as (1) a Centerwide effort to develop training programs in other regional institutions; and (2) a campaign to create awareness of occupational safety and health in professional and non-professional communities through seminars and talks.

Research and research training are integral components of the ERC concept along with the academic training and regional service functions of the Center. Research activities include the conduct of research projects on the part of students and faculty, fostering the competition for both extramural and institutional resources. Research training is twofold: (1) Specifically designed programs to primarily prepare graduate trainees for academia, government and private sector research positions and (2) elements of research training within existing practicum programs to enhance student capabilities for assessing new knowledge and integrating it into practice.

Emphasis will be placed on identifying selected ERC's which could develop into Comprehensive Centers to serve as a total regional resource complete with a library, information network and a response function dedicated to the public interest and to NIOSH needs. Additional funds, if available, will be awarded to those Centers which have the highest number and quality of core academic programs in place and the most energetic and efficient continuing education and outreach programs.

#### VI. Eligibility Requirements

Any public or private educational or training agency or institution located in a State is eligible to apply for a grant: *Provided* that no applicant is eligible for assistance for a separate training project

grant in any project period in which it receives an Educational Resource Center grant. However, this will not preclude an existing training grant from being incorporated into an Educational Resource Center grant award.

A Center may be comprised within one educational institution or agency or within an association of two or more institutions or agencies. Educational and administrative justification for any joint arrangement must, however, be fully documented in the application. If such proposals are made, each institution proposing to participate in a joint arrangement must also participate in the application by delineating the educational and training activities that in totality constitute the Educational Resource Center and which through interaction and proximity, will improve the probability of the success of the total program as indicated in the guidelines below. Current Public Health Service policy covering consortia and collaborative arrangements must be complied with. A proposal for a Center which is in effect a collation of unrelated training activities *will not* be considered responsive.

#### VII. Characteristics of an Educational Resource Center

An Occupational Safety and Health Education Resource Center should be an identifiable organizational unit within the sponsoring organization and shall consist of the following characteristics:

1. Cooperative arrangements with a medical school or teaching hospital (with an established program in preventive or occupational medicine); with a school of nursing or its equivalent; with a school of public health or its equivalent; and with a school of engineering or its equivalent. Other schools or departments with relevant disciplines and resources shall be expected to be represented and contribute as appropriate to the conduct of the total program, e.g., epidemiology, toxicology, biostatistics, environmental health, law, business administration, education. Specific mechanisms to implement the cooperative arrangements between departments, schools/colleges, universities, etc., shall be demonstrated in order to assure that the multidisciplinary training and education that is intended will be engendered.

2. A Center Director who possesses a demonstrated capacity for sustained productivity and leadership in occupational health and safety education and training. The Director shall oversee the general operation of the Center Program and shall, to the extent possible, directly participate in

training activities. Provisions shall be made to employ a Deputy Director who shall be responsible for managing the daily administrative duties of the Center and to increase the Center Director's availability to ERC staff and to the public. At least one full-time equivalent effort shall be demonstrated between the two positions.

3. Program Directors who are full-time faculty and professional staff representing various disciplines and qualifications relevant to occupational safety and health who are capable of planning, establishing, and carrying out or administering training projects undertaken by the Center. Each academic core program as well as the continuing education and outreach programs shall have a Program Director.

4. Faculty and staff with demonstrated training and research expertise, appropriate facilities and ongoing training and research activities in occupational safety and health areas.

5. A program for conducting education and training of occupational physicians, occupational health nurses, industrial hygienists, industrial hygiene engineers and occupational safety personnel. *There shall be a minimum of five (5) full-time students in each of the core programs, with a goal of a minimum of 30 full-time students (total in all of core programs together).* It is most desirable for a Center to have the full range of core programs; however, a Center with three core programs is eligible for support providing it is demonstrated that students will be exposed to the principles and issues of all four core disciplines. Training may also be conducted in other allied occupational safety and health disciplines, e.g., industrial toxicology, biostatistics and epidemiology, and ergonomics. Each core program curriculum shall include courses from non-core categories as well as appropriate clinical rotations and field experiences with public health and safety agencies and with labor-management health and safety groups. Where possible, field experience shall involve students representing other disciplines in a manner similar to that used in team surveys and other team approaches.

6. A specific plan describing how trainees will be exposed to the principles of all other occupational safety and health core and allied disciplines. *Consortium* Centers generally have geographic, policy and other barriers to achieving this Center characteristic and, therefore, must give special, if not innovative, attention to thoroughly describing the approach for

fulfilling the multidisciplinary interaction between students.

7. Demonstrated impact of the ERC on the curriculum taught by relevant medical specialties, including family practice, internal medicine, dermatology, orthopaedics, pathology, radiology, neurology, perinatal medicine, psychiatry, etc., and on the curriculum of other schools such as engineering, business, law and the medical school.

8. An outreach program to interact with and help other institutions or agencies located within the region. Examples of outreach activities might include activities such as: Interaction with other colleges and schools within the ERC and with other universities or institutions in the region to integrate occupational safety and health principles and concepts within existing curricula (e.g., Colleges of Business Administration, Engineering, Architecture, Law, and Arts and Sciences); exchange of occupational safety and health faculty among regional educational institutions; providing curriculum materials and consultation for curriculum/course development in other institutions; use of a visiting faculty program to involve labor and management leaders; cooperative and collaborative arrangements with professional societies, scientific associations, and boards of accreditation, certification, or licensure; and presentation of awareness seminars to undergraduate and secondary educational institutions (e.g., high school science fairs and career days) as well as to labor, management and community associations.

9. A specific plan for preparing, distributing and conducting courses, seminars and workshops to provide short-term and continuing education training courses for physicians, nurses, industrial hygienists, safety engineers and other occupational safety and health professionals, paraprofessionals and technicians, including personnel from labor-management health and safety committees, in the geographical region in which the Center is located. The goal shall be that the training be made available to a minimum of 400 trainees representing all of the above categories of personnel, on an approximate proportional basis with emphasis given to providing occupational safety and health training to physicians in family practice, as well as industrial practice, industrial nurses, and safety engineers. Where appropriate, it shall be professionally acceptable in that Continuing Education Units (as approved by appropriate

professional associations) may be awarded. These courses should be structured so that higher educational institutions, public health and safety agencies, professional societies or other appropriate agencies can utilize them to provide training at the local level to occupational health and safety personnel working in the workplace. Further, the Center shall conduct periodic training needs assessments, shall develop a specific plan to meet these needs, and shall have demonstrated capability for implementing such training directly and through other institutions or agencies in the region. The Center should establish and maintain cooperative efforts with labor unions, government agencies, and industry trade associations, where appropriate, thus serving as a regional resource for addressing the problems of occupational safety and health that are faced by State and local governments, labor and management.

10. A Board of Advisors or Consultants representing the user and affected population, including representatives of labor, industry, government agencies, academic institutions and professional associations, should be established by the Center. The Board shall meet regularly to advise a Center Executive Committee and to provide periodic evaluation of Center activities. The Executive Committee shall be composed of the Center Director and Deputy Director, academic Program Directors, the Directors for Continuing Education and Outreach and others whom the Center Director may appoint to assist in governing the internal affairs of the Center.

11. A defined research plan for the purposes of establishing a research base within the core occupational safety and health disciplines and within the ERC infrastructure as a whole, and for the training of researchers in occupational safety and health. The plan will include how the Center intends to strengthen existing research training efforts, how it proposes to develop additional research training efforts, and how it will expand these research activities to impact on other primarily clinically-oriented disciplines, such as nursing and medicine. (In nursing, for example, the development of the nursing research area should be consistent with national strategies outlined by professional nursing and occupational nursing specialty groups to enhance nursing research productivity and to increase the number of nurse researchers for the future.) Each ERC is required to identify or develop a minimum of one, preferably

more, areas of research focus related to work environment problems. Consideration shall be given to, but not limited to, the top ten work-related diseases and injuries targeted by CDC/NIOSH. In addition to the research and research training components, the plan will also include such items as specific strategies for obtaining student and faculty funding, plans for renovating or acquiring facilities and equipment, if appropriate, and plans for developing research-oriented faculty.

#### VIII. Criteria for Review

An application for a Center grant must address each of the above points. The nature and organization of the appropriate administrative, teaching, research, and support staffs and necessary supplies, equipment, facilities, etc., should be clearly detailed in the proposal and clearly related to the budget requested. This program cannot provide funds for new construction or major alterations or renovations; thus, facilities must be available for the primary needs of the proposed Center activities.

Applications will be evaluated in terms of demonstrated proficiency. The review is expected to involve a site visit. The review criteria to be utilized include:

1. Evidence of a needs assessment directed to the overall contribution of the training program toward meeting the job market, especially within the applicants region, for qualified personnel to carry out the purposes of the Occupational Safety and Health Act of 1970. The needs assessment should consider the regional requirements for outreach, continuing education, information dissemination and special industrial or community training needs that may be peculiar to the region.

2. Evidence of a plan to satisfy the regional needs for training in the areas outlined by the application, including projected enrollment, recruitment and current workforce populations. The need for supporting students in allied disciplines must be specifically justified in terms of user community requirements.

3. The extent to which arrangements for day-to-day management, allocation of funds and cooperative arrangements are designed to effectively achieve *Characteristics of an Educational Resource Center* (Section VII above).

4. The extent to which curriculum content and design includes formalized training objectives, minimal course content to achieve certificate or degree, course descriptions, course sequence, additional related courses open to

occupational safety and health students, time devoted to lecture, laboratory and field experience, and the nature of specific field and clinical experiences including their relationships with didactic programs in the educational process.

5. Previous record of academic training including the number of full-time and part-time students and graduates for each core program, the placement of graduates, employment history, and their current location by type of institution (academic, industry, labor, etc.). Previous record of continuing education training in each discipline and record of outreach activity and assistance to groups within the ERC region.

6. Methods in use or proposed for evaluating the effectiveness of training and services including the use of placement services and feedback mechanisms from graduates as well as employers, critiques from continuing education courses, and reports from consultations and cooperative activities with other universities, professional associations, and other outside agencies.

7. The competence, experience and training of the Center Director, the Deputy Center Director, the Program Directors and of other professional staff in relation to the type and scope of training and education involved.

8. Institutional commitment to Center goals.

9. Academic and physical environment in which the training will be conducted, including access to appropriate occupational settings.

10. Appropriateness of the budget required to support each academic component of the ERC program, including a separate budget for the academic staff's time and effort spent in continuing education and outreach.

11. Evidence of a plan describing the research and research training the Center proposes. This shall include goals, elements of the program, research faculty and amount of effort, support faculty, facilities and equipment available and needed, and methods for implementing and evaluating the program.

12. Evidence of success in attaining outside support to supplement the ERC grant funds including other federal grants, support from states and other public agencies, and support from the private sector including grants from foundations and corporate endowments, chairs, and gifts.

#### IX. Occupational Aspects

Although the mechanism for support for the Center will be a training grant, it will differ from other grants in its

emphasis on interdisciplinary interaction, on research and research training, on conducting an outreach program, on multidisciplinary curriculum development, and on a continuing education process designed to increase admissions to and enrollment in occupational safety and health training of persons who, by virtue of their background and interest or position, are likely to engage or participate in the delivery of occupational health and safety services. Priority will also be given for training in the occupational safety and occupational health nursing disciplines. Because of the dearth of advanced level programs to prepare nurse researchers in the occupational safety and health field, efforts to expand current programs to include this training will be highlighted.

While it is expected that each Center will plan, develop, direct and execute its own program, it must also be responsive to the identified needs of NIOSH, both in content and direction. A special collaborative relationship between the CDC/NIOSH and the grantee institution will be established. CDC/NIOSH staff, with consultation and assistance from representatives of the kinds of user groups of the Center program (e.g., academic, labor, management and public health and safety agencies) will provide initial and continuing reviews and evaluation of the Center programs. The Institute will increasingly look to the Centers for participation in research and consultative service efforts such as health hazard evaluation studies and for an expanded interaction between the Centers and the Institute.

#### X. Trainee Support

1. Graduate Level: The normal tuition and fees of the institution, stipends, and funds for travel which is a part of the training may be requested for trainees. Stipend ceiling levels for each full-time predoctoral and postdoctoral trainee are provided in accordance with the Public Health Service Policy Statement. The stipend ceiling for each full-time postdoctoral trainee will be determined by the number of years of relevant postdoctoral experience at the time of award. Years of relevant experience is defined as experience earned after the doctoral degree is obtained. No allowance is provided for dependents.

2. Undergraduate Level: No stipend support will be provided. Tuition, fees, and travel funds can be requested for advanced students.

#### XI. Application Procedures

New, competing renewal, or supplemental applications should be submitted on the Training Grant

Application Form PHS 6025-1; PHS 6025-2 should be used for continuations. The forms may be obtained from:

Centers for Disease Control, Procurement and Grants Office, 255 East Paces Ferry Road, NE, Room 321, Atlanta, GA 30305

The original and six (6) copies of new, renewal, or supplemental applications should be submitted to:

Division of Research Grants, National Institutes of Health, Westwood Building, 5333 Westbard Avenue, Bethesda, MD 20014

These applications should be clearly identified as a proposal for an Occupational Safety and Health Educational Resource Center. Submission schedule is as follows:

#### New/Renewal & Supplemental Receipt Dates

February 1, 1987

June 1, 1987

October 1, 1987

Applications not received by a designated receipt date will be held for review in the next cycle.

An original and two (2) copies of non-competing continuation applications should be submitted to:

Centers for Disease Control, Grants Management Branch, Procurement and Grants Office, 255 East Paces Ferry Road, NE, Room 321, Atlanta, GA 30305

#### Continuation Receipt Date

January 1, 1987

For further information contact:

#### Business:

Nancy C. Bridger, Grants Management Specialist, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE, Room 321, Atlanta, Georgia 30305, Telephone: 404-262-6575.

#### Technical:

David S. Thelen, Training Grants Coordinator, Division of Training and Manpower Development, National Institute for Occupational Safety and Health, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, OH 45226, Telephone: 513-533-8241.

This program is described in the Catalog of Federal Domestic Assistance Program No. 13.263, Occupational Safety and Health Training Grants.

Dated: September 11, 1986.

Larry W. Sparks,

Executive Officer, National Institute for Occupational Safety and Health.

[FR Doc. 86-21004 Filed 9-16-86; 8:45 am]

BILLING CODE 4160-19-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of October 1986:

Name: National Advisory Council on the National Health Service Corps.  
Date and Time: October 6-8, 1986, 8:30 a.m.  
Place: Shoreham Hotel, 2500 Calvert Street, NW., Washington, DC 20008.

The entire meeting is open to the public.

Purpose: The Council will advise and make appropriate recommendations on the National Health Service Corps (NHSC) program as mandated by legislation. It will also review and comment on proposed regulations promulgated by the Secretary under provisions of the legislation.

#### Agenda

The agenda will include a presentation by the Indian Health Service and the Bureau of Prisons; overall National Health Service Corps policies, staffing, budget, recruitment plan and other topics at the pleasure of the Council.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact Anna Mae Voigt, National Health Service Corps, Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, Room 6-40, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone: 301 443-4814.

Agenda items are subject to change as priorities dictate.

Dated: September 2, 1986.

Jackie E. Baum,

Advisory Committee Management Officer,  
HRSA.

[FR Doc. 86-21014 Filed 9-16-86; 8:45 am]

BILLING CODE 4160-15-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Information Collection Submitted for Review

September 9, 1986.

The proposal for the collection of information listed has been submitted to the Office of Management and Budget (OMB) for approval under the provisions

of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirements and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the OMB Interior Desk Officer at (202) 395-7340.

Title: Financial Aid Package Form  
Abstract: This information is needed to determine the amount of financial aid program assistance needed to grant awards to eligible Native American College students seeking aid to attend accredited institutions of higher education.

Frequency: Annually

Description of Respondents: Indian/Alaskan Native students applying for admission to postsecondary schools  
Annual Responses: 16,000  
Annual Burden Hours: 4,000 hours  
Bureau Clearance Officer: Ann Bolton  
(202) 343-3577.

Nancy C. Garrett,

Acting Deputy to the Assistant Secretary/  
Director—Indian Affairs (Indian Education Programs).

[FR Doc. 86-20958 Filed 9-16-86; 8:45 am]

BILLING CODE 4310-02-M

### Bureau of Land Management

[OR 39467; OR-120-06-4212-13: GP6-305]

#### Exchange of Public Lands in Douglas County, OR

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The following described public domain lands located in Douglas County, Oregon, have been examined and through the development of land use planning decisions based on public input and resource considerations, regulations and Bureau policies, it has been determined that this public land is suitable for disposal by exchange under the authority of section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716):

Willamette Meridian, Oregon

T. 21 S., R. 11 W.,

Sec. 29, SE¼NE¼, NW¼SW¼.

Containing 80 acres.

All minerals in these public lands will be included in the exchange. The patent, if issued, will be subject to a reservation of right-of-way thereon for ditches and canals constructed by the authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945), and a

reservation of rights-of-way for roads for forest products removal to International Paper Company as authorized under Right-of-Way and Road Use Agreement and O&C Logging Road Right-of-Way Permit RWA-C-636.

In exchange for these lands the United States will acquire private lands, listed below, owned by Phillip J. Washburn.

Willamette Meridian, Oregon

T. 21 S., R. 11 W.,

Sec. 31 Metes and bounds within lot 4;

Sec. 32 Metes and bounds within lots 5, 6, 7, and 8;

Sec. 33 Metes and bounds within S½S½.

T. 22 S., R. 11 W.,

Sec. 3 Metes and bounds within lot 14;

Sec. 4 Metes and bounds within N½ and NE¼SE¼;

Sec. 5 Metes and bounds within N½;

Sec. 6 Metes and bounds within N½.

All south of State Highway 38 containing 923 acres.

The value of the lands to be exchanged have been established by fair market value appraisals and are approximately equal, acreage will be adjusted or a donation to the United States will be made to equalize the values at the time of consummation of the exchange transaction.

The purpose of this exchange is to acquire non-Federal lands that have significant multiple-use values, including recreational, wildlife habitat, wetlands, and scenic values that far outweigh values found on the Federal lands to be exchanged. The non-Federal lands, generally known as Deans Creek Elk Pasture support a large herd of Roosevelt elk which are highly visible from State Highway 38, located approximately three miles east of Reedsport, Oregon. If acquired these lands would be managed cooperatively with the Oregon Department of Fish and Wildlife to enhance the wildlife habitat values and wildlife viewing opportunities.

This exchange proposal is consistent with the management objectives of the Coos Bay Management Framework Plan (MFP) and the public lands have been identified for disposal in the MFP. This exchange has been discussed with City of Reedsport, Douglas County and various State of Oregon agencies who have indicated that the proposal is consistent with local government plans. The public interest will be well served by making this exchange.

The publication of this notice in the Federal Register segregates the public lands described herein from all other forms of appropriation and entry under the public laws, including the mining laws, for a period of two years from the date of publication. The exchange is

expected to be completed before the end of that period.

**ADDRESSES:** Detailed information concerning the exchange, including the environmental analysis, is available for review at the Bureau of Land Management's Coos Bay District Office, 333 South 4th Street, Coos Bay, OR 97420.

**DATE:** For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the Coos Bay District Manager at the above address (Reference exchange number OR 39467). Objections will be evaluated by the Oregon State Director of the Bureau of Land Management who may sustain, vacate or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

**FOR FURTHER INFORMATION CONTACT:** Thom Green, Coos Bay District Office, (503) 269-5880.

Dated: September 8, 1986.

Robert T. Dale,  
District Manager.

[FR Doc. 86-20924 Filed 9-16-86; 8:45 am]

BILLING CODE 4310-33-M

[ID-943-06-4220-11; I-08878]

#### **Proposed Continuation of Withdrawal; Idaho**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Forest Service, Department of Agriculture proposes that a 10-acre withdrawal within the Salmon National Forest for the Deadwater Spring Picnic area, continue for an additional 20 years, which is the anticipated life of the project. These lands will remain closed to surface entry, and mining, but have been and will remain open to mineral leasing.

**DATE:** Comments should be received on or before December 16, 1986.

**ADDRESS:** Comments should be sent to: Idaho State Director, Bureau of Land Management, 3380 Americana Terrace, Boise, ID 83706.

**FOR FURTHER INFORMATION CONTACT:** Larry R. Lievsay, Idaho State Office, 208-334-1735.

The Forest Service proposes the existing land withdrawal made by PLO 1686 of July 21, 1958, be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The latest BLM survey

protraction diagram corrects the original legal description of the withdrawal. The land is described as follows:

#### **Boise Meridian, Idaho**

Original Description (Based upon old protraction diagram).

T. 24 N., R. 20 E.,

Sec. 24, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

Corrected Description (Based upon new protraction diagram).

T. 24 N., R. 20 E.,

Sec. 25, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

The lands aggregate 10.00 acres in Lemhi County.

The withdrawal is essential for protection of substantial capital improvements on the Recreation Site. The withdrawal closed the described lands to surface entry, and mining but not mineral leasing. No change in the segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in correction with the proposed withdrawal continuation may present their views in writing to the Idaho State Director at the above address.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawals will be continued, and if so, for how long. The final determination of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

Dated: September 8, 1986.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 86-20925 Filed 9-16-86; 8:45 am]

BILLING CODE 4310-GG-M

[WY-920-06-4990-14; W-98476]

#### **Proposed Reinstatement of Terminated Oil and Gas Lease; Wyoming**

##### **Correction**

In FR Doc. 86-19209 appearing on page 30440 in the issue of Tuesday, August 26, 1986, make the following correction: In the third column, in the first complete paragraph, in the fourth line, "16 $\frac{1}{2}$ " should read "16 $\frac{3}{4}$ ".

BILLING CODE 1505-01-M

#### **National Park Service**

#### **Lake Mead National Recreation Area, AZ and NV, Nevada General Management Plan; Availability of the Final Environmental Impact Statement**

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service, U.S. Department of the Interior, has prepared a final environmental impact statement for the proposed General Management Plan for Lake Mead National Recreation Area, Arizona and Nevada.

The proposed action is a general management plan for Lake Mead National Recreation Area, three alternatives to the plan and an analysis of the environmental consequences of implementing the plan or its alternatives. The proposed plan would accommodate increasing visitor use through a combination of providing new developed areas, improved access points, acceptable levels of expansion in existing developed areas, and maximum resource protection. Visitor safety hazards from flash floods would be reduced by providing structural flood protection in five developed areas and nonstructural protection in other developed areas. Management zoning would restrict land uses on 75 percent of NRA lands, less restrictive zoning would cover 25 percent of the area. Carrying capacity limits have been set for the number of slips in each marina with a parkwide total of 8,370, or an increase of 90 percent over 1978 levels. The information/education program would encourage visitor safety and resource protection, provide information and orientation, and educate visitors about the area's resources. The proposed action would not change the cabin site policy and would allow expansion of short-term trailer sites. No lands are proposed for wilderness designation. Under the no action alternative present management strategies would continue with no major changes in existing conditions. Under alternative A increasing use would be accommodated by expanding existing developed areas and resource protection would be emphasized. Under alternative B resource utilization would be emphasized and increasing use would be accommodated by maintaining existing developed areas, improving existing shoreline access points, and providing new developed areas. The environmental analysis also serves as a compliance instrument for Executive Order 11988, "Floodplain Management" and 11990, "Protection of Wetlands."

The document is divided into two volumes. Volume I describes the draft general management plan and alternatives. Volume II describes the affected environment and the environmental consequences of implementing the alternatives and proposed action. A discussion of consultation and coordination, the appendixes, bibliography, and the list of document preparers are also included.

A limited number of copies of the document are available on request from the Superintendent, Lake Mead National Recreation Area, 610 Nevada Highway, Boulder City, Nevada 89005, (702) 293-4041. Public reading copies are available at the following locations: 450 Golden Gate Avenue, San Francisco, California; Interior Building, 18th and C Streets NW., Washington, DC; and Park Headquarters, Boulder City, Nevada.

Dated: August 5, 1986.

Howard H. Chapman,

Regional Director, Western Region.

[FR Doc. 86-21024 Filed 9-16-86; 8:45 am]

BILLING CODE 4310-70-M

#### **Tuolumne Wild and Scenic River Management, Yosemite National Park, CA**

Summary: The National Park Service, Western Region, announces that in lieu of a specific management plan for the Tuolumne River segments located in Yosemite National Park and placed in the National Wild and Scenic Rivers System through the provisions of the California Wilderness Act of 1984 (Pub. L. 98-425), these river segments will be managed in accordance with the 1986 Yosemite Wilderness Management Plan and the forthcoming Comprehensive Design Plan for the Tuolumne Meadows area of the park. River classifications proposed in the 1979 Tuolumne Wild and Scenic River Study and Environmental Impact Statement remain in effect except for the six mile segment located between O'Shaughnessy Dam and the west park boundary. The lower five miles of this segment are hereby classified as "wild" and the one mile segment from O'Shaughnessy Dam to the wilderness boundary retains the "scenic" classification because of the presence of the fishery flow release nozzle, the vacant O'Shaughnessy Dam powerhouse building, the access road and bridge to the borrow pit and the river gaging station. The entire six mile segment was proposed for classification as "scenic" in the Final Environmental Statement and Study Report.

Of the 54 miles of the Tuolumne Wild and Scenic River located in Yosemite

National Park, 42 miles are located within legislated wilderness. The National Park Service believes that the park's Wilderness Management Plan will adequately specify management strategies for these segments. The five mile segment that is being changed to "wild" classification is within wilderness and the "wild" classifications is more appropriate within the context of wilderness management. The remaining 11 miles of "scenic" river segments, with the exception of the segment immediately below O'Shaughnessy Dam, are located in the Tuolumne Meadows area that is scheduled for a Comprehensive Design Plan in Fiscal Year 1989. The plan will dictate future visitor use carrying capacities and developments in the Tuolumne Meadows area and is the logical forum to develop protection and enhancement measures for that portion of the Tuolumne River and tributaries. The plan will be subject to public input and review. Some of the development concepts for Tuolumne Meadows outlined in the 1980 General Management Plan for Yosemite National Park may be subject to revision in the Comprehensive Design Plan and such revisions will promote enhancement of river values wherever possible. Pending completion of the plan, development in the Tuolumne Meadows area will be limited to minimal improvements to housing and facilities necessary to meet health, safety and housing codes. There will be no expansion of existing housing or facilities, and no relocation of major facilities. These actions will protect river values until completion of the planning process.

Dated: September 9, 1986.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 86-21025 Filed 9-16-86; 8:45 am]

BILLING CODE 4310-70-M

#### **INTERNATIONAL DEVELOPMENT COOPERATION AGENCY**

##### **Agency For International Development**

##### **Request for Interest (RFI) for the Formation of R&D Limited Partnership Close Coupling U.S. and Developing Country Private Sectors**

**AGENCY:** Agency for International Development.

**ACTION:** Request for interest.

**SUMMARY:** The Agency for International Development (AID) invites the qualified private sector individuals or

organizations who could qualify as a General Partner for a new form of "partnerships" to submit a "Statement of Interest" for entering into an agreement with AID for the provisions of loans and other services which would assist them in the establishment of an R&D Limited Partnership (or similar form of structure) having significant corporate interactions with the private sectors of one or more developing nations.

#### **I. Invitation**

The Agency for International Development (AID) invite the qualified private sector individuals or organizations who could qualify as a General Partner for a new form of "partnerships" to submit a "Statement of Interest" for entering into an agreement with AID for the provision of loans and other services which would assist them in the establishment of an R&D Limited Partnership (or similar form of structure) having significant corporate interactions with the private sectors of one or more developing nations. There may be two deadline dates for submission of "Statements of Interest" (see sections XI and XII, B).

The Department of Commerce is providing required technical expertise to AID in evaluating responses to this AID RFI. Any funds granted at a later date will be awarded by AID.

#### **II. Introduction**

The Bureau of Private Enterprise (PRE) of AID, announce with this solicitation, the initiation of a new experimental arrangement which, if successful, could serve as a model for a more comprehensive follow-on program to stimulate increased cooperative ventures around the globe.

Although this country's international assistance program, with its focus on health, education, housing and agriculture, is of necessity primarily a government-to-government transfer process, the coupling of the private sector in the United States with their counterparts in developing countries is a positive mechanism for transferring industrial technology and enhancing entrepreneurial talents in third world countries. It would create better trading partners, increased markets for U.S. goods, a better world understanding of the free market system, and make our world neighbors less dependent on U.S. foreign assistance and world bank loans.

It is the intention of this solicitation for AID to provide financial incentive in order to encourage qualified general partners or potential selected general

partners (e.g., entrepreneurs, industrialists and venture capitalists) in the United States to develop new R&D Limited Partnerships, or other innovative financing or management arrangements, with counterparts in one or more developing nations. It is the intent of this solicitation to stimulate the flow of private capital into productive enterprises—not to replace it. The primary Government role is to operate as a catalyst in bringing together entrepreneurship, investment capital, and production. In addition to providing funds, AID may help to attract parallel financing from international capital markets.

### III. Private Initiative

The objective of this solicitation is to reinforce AID's continuing commitment to the value of market forces and private initiative in solving development problems in the Third World. The goal of this solicitation is also clearly stated in several portions of AID's Congressional mandate. Section 601 of the Foreign Assistance Act, for example directs the Agency to make the maximum use of private sector expertise and other resources, and to help forge effective cooperation between the American and indigenous private sectors.

### IV. What AID Can Do

It is envisioned that AID will provide loans at market, or near market rates and would expect a leveraging ratio of better than three dollars from private sources for every AID dollar. On this initial trial solicitation, although it cannot be stated at this time with full assurance that the funds will be available, AID may loan one or more Partnerships as much as \$2 million, with reasonably long terms.

### V. What AID Cannot Do Under This Solicitation

- Finance feasibility studies.
- Guarantee or insure U.S. investments abroad.
- Pay for exploratory business trips overseas.
- Finance U.S. exports or trading companies.

### VI. Targeted Countries and Industry Focus

The organizations responding to this solicitation shall propose coupling private sector interactions in one or more of the ASEAN nations that are also recipients of AID funding—Thailand, Indonesia, and the Philippines. If a sufficiently strong rationale is presented, consideration may be given to proposed coupling

activities with other AID funded countries.

AID continues to place a priority focus on agriculture and agri-business, animal health, particularly vaccine and diagnostics and human health; however, this solicitation would not preclude serious consideration of other industrial segments that they have historically interacted with.

### VII. Parameters of R&D Limited Partnerships Deemed Responsive To This Solicitation

Those respondents proposing organizational structures somewhat similar to the "General Case" or "Variations" of the type noted below will be considered most responsive to this solicitation.

#### A. General Case<sup>1</sup>

R&D Partnerships give organizations a new option for financing research and development. Instead of using debt provided by lenders, equity provided by stockholders, or cash generated internally, an organization can, under the Uniform Limited Partnership Act, obtain financing from investors.

R&D Limited Partnerships are extremely flexible financial and managerial arrangements. Typically, the structure involves a sponsor organization, a limited partnership (including both limited and general partners), a research contractor, a base technology license, and a commercialization phase (or buy out).

### VII Parameters of R&D Limited Partnerships Deemed Responsive To This Solicitation

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technology license, and a commercialization phase (or buy out).

Such partnerships are vehicles for financing an organization R&D by the sale of partner rights to investors. The partnership must have one or more general partners (either individuals or the sponsor organization) who manage the affairs of the partnership. Such partnerships, as contrasted with corporations, are not taxable entities and losses. Credits and other benefits primarily flow through to the limited partners.

The Organization Company is the entity that wants to initiate an R&D project and usually possesses the "base technology," which they must make available to the partnership.

Limited Partners are individual, corporate or other investors. They can be domestic or foreign. They do not participate in the management of the partnership. The cash proceeds from the sale of the partnership to the limited partners are used to fund the R&D work.

A Research Contractor is often selected or established by the General Partner. The Contractor can be a subsidiary or affiliate of the sponsor corporation, which will perform the R&D work under contract with the Limited Partnership.

Commercialization Stage (or Buy Out). An option is retained by the sponsor organization to "capture," if it elects, the product technology after the R&D has been successfully completed. The option is generally exercised under one of the following arrangements:

1. Royalties: the sponsor organization pays the limited partnership royalties.
2. Joint Venture: a joint venture is formed and the limited partnership and the sponsor organization share profits.
3. Equity: the sponsor organization and the limited partnership form and jointly own a new corporation.

#### B. Variations to the General Case

1. *R&D Blind Pool Partnership.* An R&D Blind Pool Partnership is a limited partnership organized to fund and engage in R&D projects which may only be defined in very general terms at the time of formation.

2. *Equity Partnership.* This is a limited partnership which has been organized to carry on a business. Unlike the typical R&D limited partnership, the structure does not change between the R&D state and the commercialization stage.

3. *R&D Joint Venture.* This is a variation on Joint Ventures where the sponsoring corporation and a limited partnership together become the General Partner. The Joint Venture does

<sup>1</sup> There are numerous legal aspects of considerable complexity beyond the scope of this solicitation which respondents must consider.

not change between the R&D stage and the commercialization stage.

4. *Start-Up Limited Partnership.* This is similar to the General Case but the partnership also begins to market the new product. At the time the business begins to show a profit, the partners can opt to incorporate and convert their partnership shares, tax-free, into shares of a new corporation.

#### VIII. Eligibility To Respond To Solicitation

Only those organizations or individuals who have had considerable hands-on executive experience in the conception, financing and operating of a technology-based organization or ideally as a General Partner in a limited partnership, including blind pools, are encouraged to respond to this solicitation. Exceptions to this may be made if the organization or individual has impressive credentials in research and development, or in the entrepreneurial formation of one or more successful high-tech organizations. It is expected that the respondents will have had extensive business experience in private, for-profit corporations.

The respondents may propose to use an existing corporate entity, or to establish a subsidiary or to create a new corporate structure. However, the proposed organization must be substantially beneficially owned by U.S. citizens or citizens of AID recipient developing countries.

It is also desirable for the respondent to have established business relationships with the developing country(ies) proposed for active participation in the limited partnership.

#### IX. Information Required In Support Of Statement Of Interest

The respondents to this solicitation must submit a full and complete response to this section in as much detail as possible and *presented in the form requested below.* This is necessary to ensure an equitable evaluation (see sections X and XI).

##### A. Directly Related General Partnership Experience or the Principals

A full response to this section will have significant bearing on the evaluation of the submittal. Also, a full resume should be appended on each principal as well as historical information on participating corporations.

##### B. Description of the Product or Process Concept or Focus of a Blind Pool

Give a concise encapsulation of the factors that should make the proposed

products or processes commercially viable.

##### C. Abstract of the Proposed R&D Program

Present an assessment of the technical hurdles that will have to be overcome during the R&D program to prove out the feasibility of the proposed product or process.

##### D. Structure of the Limited Partnership

Define in considerable detail the legal and fiscal responsibilities of the sponsoring corporation, the limited partners and the research contractor, as well as the commercialization mechanism and the participatory rights of all involved.

##### E. Proposed Participation by the Private Sector of a Developing Country(ies)

Be as complete as possible in listing all individuals and corporations, with country identification, and indicating their proposed participation (i.e., sponsoring corporation, limited partners, or research contractor).

##### F. Abstract of Business Plan

Present, even if not fully developed, as much detail as possible on the following:

- Proposed R&D Program.
- Industry analysis.
- Market Analysis.
- Marketing Strategy.
- Management and Organization.
- Implementation Plan with Chronological Schedule.
- Risk Analysis.
- Financial Statements and Projections.
- R&D Phase.
- Commercialization Phase.

##### G. Capital Requirements and Access to Capital

The projected capital requirements for the R&D phase should be presented in detail, along with both committed and perceived sources of capital and the probable cost of money. Similar projections should be scoped for the commercialization phase.

The principals should list their previous experience in raising venture capital.

##### H. Requested AID Participation (If Any)

Please be specific in the proposed terms of the loan requested from AID, along with covenants protecting its position.

##### I. Benefits Accruing to Developing Country(ies) and to U.S.

What should the economic impact be on the participating developing

country(ies) in the way of job creation, balance of payment, etc.

#### X. Selection Criteria

All formal responses to this solicitation will be reviewed and evaluated on the following criteria:

##### Weighting Factor

A. The qualifications of the proposed General Partner(s) to launch and operate a commercially viable international limited partnership (Section IX, A and F); 25%.

B. The existing business relationships with the proposed private corporations and individuals in one or more proposed developing countries (Section IX, E); 20%.

C. Degree of business plan assessment by the General Partner(s) of markets, market penetration and projected probability of commercialization following successful R&D results (Section IX, B, C and F); 15%.

D. The probable access by the General Partner(s) to private capital, both domestic and developing country sources (Section IX, G); 20%.

E. The perceived economic and social benefits accruing both to the developing country(ies) and to the U.S. (Section IX, I); 10%.

F. Overall completeness of the Statement of Interest; 10%.

#### XI. Process For Negotiating Awards

After full review and ranking by the established "section criteria" of all formal "Statements of Interests" received on or before October 15, 1986 under this solicitation, it is the intent of AID to invite a small number of those respondents deemed most responsive and most qualified to submit formal proposals, without a further competitive bidding process, with the intention to award one or more negotiated agreements, in line with the general principles set forth in this solicitation.

#### XII. Information on Submission

Five (5) copies of the submission must be submitted, in a single package, as described below.

##### A. Address

Office of Program Review, Bureau of Private Enterprise, Agency for International Development, Room 3311, Washington, DC. 20523.

##### B. Deadline for Submission

The deadline for receipt of "Statement of Interests" (5 copies) at the address noted above is 2:00 p.m. local time, October 15, 1986. Any submission received after that time will not be

considered for this review unless it was mailed in the U.S. by registered or certified mail not later than October 8, 1986.

Robert W. Beckman,  
Director, Office of Program Review, Bureau of  
Private Enterprise.

[FR Doc. 86-20957 Filed 9-16-86; 8:45 am]

BILLING CODE 3510-04-M

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-256]

### Certain Cryogenic Ultramicrotome Apparatus and Components Thereof; Import Investigation

**AGENCY:** U.S. International Trade  
Commission.

**ACTION:** Institution of investigation  
pursuant to 19 U.S.C. 1337.

**SUMMARY:** Notice is hereby given that a complaint and a motion for temporary relief were filed with the U.S. International Trade Commission on August 15, 1986, pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Research and Manufacturing Company, Inc., 1802 West Grant Road, Suite 122, Tucson, Arizona 85745. Supplements to the complaint were filed on September 3, 4, and 9, 1986. The complaint as supplemented alleges unfair methods of competition and unfair acts in the importation of certain cryogenic ultramicrotome apparatus and components thereof into the United States, and in their sale, by reason of alleged direct, contributory, and induced infringement of at least claims 1, 4-10, 12, 14, and 16-21 of U.S. Letters Patent 3,680,420. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation, conduct temporary relief proceedings, and issue a temporary exclusion order prohibiting importation of the articles in question into the United States, except under bond, and temporary cease and desist orders. After a fully investigation, the complainant requests that the Commission issue a permanent exclusion order and permanent cease and desist orders.

**FOR FURTHER INFORMATION CONTACT:**  
Stephen L. Sulzer, Esq., or Steven  
Schwartz, Esq., Office of Unfair Import  
Investigations, U.S. International Trade

Commission, telephone 202-523-0419  
and 202-523-4877, respectively.

### Authority

The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

### Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on September 10, 1986, Ordered That:

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain cryogenic ultramicrotome apparatus and components thereof into the United States, or in their sale, by reason of alleged direct, contributory, and induced infringement of claims 1, 4-10, 12, 14, and 16-2 of U.S. Letters Patent 3,680,420, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) Pursuant to § 210.24(e) of the Commission's rules, the motion for temporary relief under subsections (e) and (f) of section 337 of the Tariff Act of 1930, which was filed with the complaint, shall be forwarded to the presiding administrative law judge for an initial determination pursuant to § 210.53(b) of the rules;

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Research & Manufacturing Company, Inc., 1802 West Grant Road, Suite 122, Tucson, Arizona 85745.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

C. Reichert (Optische Werke) A.G.  
Hernalser Hauptstrasse 219 A 1170  
Wien, Austria

Reichert-Jung, Inc., Eggert and Sugar  
Roads, Buffalo, New York 14214  
Cambridge Instruments, Ltd., Clifton  
Road, Clifton, Cambridge CB1 3QH,  
England.

(c) Stephen L. Sulzer, Esq., and Steven  
Schwartz, Esq., Office of Unfair Import  
Investigations, United States  
International Trade Commission, 701 E  
Street NW., Room 124, Washington, DC  
20436, shall be the Commission  
investigative attorneys, party to this  
investigation; and

(4) For the investigation so instituted,  
Janet D. Saxon, Chief Administrative

Law Judge, U.S. International Trade  
Commission, shall designate the  
presiding administrative law judge.  
Pursuant to § 210.24(e) of the  
Commission's Rules of Practice and  
Procedure, the presiding administrative  
law judge shall determine as  
expeditiously as possible whether or not  
temporary relief proceedings should be  
instituted.

Responses must be submitted by the  
named respondents in accordance with  
§ 210.21 of the Commission's Rules of  
Practice and Procedure (19 CFR 210.21).  
Pursuant to §§ 201.16(d) and 210.21(a) of  
the rules (19 CFR 201.16(d) and  
210.21(a)), such responses will be  
considered by the Commission if  
received not later than 20 days after the  
date of service of the complaint.  
Responses to the motion for temporary  
relief may be submitted by the named  
respondents in accordance with  
§ 210.24(e)(3) of the Commission's rules.  
Any such responses must be filed within  
20 days after service of the motion.  
Extensions of time for submitting  
responses to this complaint and/or the  
motion for temporary relief will not be  
granted unless good cause therefor is  
shown.

Failure of a respondent to file a timely  
response to each allegation in the  
complaint and in this notice may be  
deemed to constitute a waiver of the  
right to appear and contest the  
allegations of the complaint and this  
notice, and to authorize the  
administrative law judge and the  
Commission, without further notice to  
the respondent, to find the facts to be as  
alleged in the complaint and this notice  
and to enter both an initial  
determination and a final determination  
containing such findings.

The complaint and motion for  
temporary relief, except for any  
confidential information contained  
therein, are available for inspection  
during official business hours (8:45 a.m.  
to 5:15 p.m.) in the Office of the  
Secretary, U.S. International Trade  
Commission, 701 E Street NW., Room  
156, Washington, DC 20436, telephone  
202-523-0471. Hearing-impaired  
individuals are advised that information  
on this matter can be obtained by  
contacting the Commission's TDD  
terminal on 202-724-0002.

By order of the Commission

Issued: September 12, 1986.

Kenneth R. Mason,  
Secretary.

[FR Doc. 86-21049 Filed 9-16-86; 8:45 am]

BILLING CODE 7020-02-M

**Investigation No. 337-TA-255****Certain Garment Hangers; Investigation**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Institution of investigation pursuant to 19 U.S.C. 1337.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 11, 1986, pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Batts, Inc., 200 North Franklin, Zeeland, Michigan 49464. Supplements to the complaint were filed on August 21 and 22, 1986. The complaint, as supplemented, alleges unfair methods of competition and unfair acts in the importation of certain garment hangers into the United States, and in their sale, by reason of alleged (1) infringement of claims 5 and 9 of U.S. Letters Patent 3,698,607; (2) infringement of claims 1-41 of U.S. Letters Patent 3,767,092; (3) infringement of claims 1-10 of U.S. Letters Patent 4,194,274; (4) infringement of claims 14, 15, 23, 24, 26, 29, 35, 36, and 37 of U.S. Letters Patent 4,123,864; (5) trade secret misappropriation; and (6) breach of contractual and fiduciary duties. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and permanent cease and desist orders.

**FOR FURTHER INFORMATION CONTACT:** Juan Cockburn, Esq., or Gary Rinkerman, Esq., Office of Unfair Import Investigations U.S. International Trade Commission, telephone 202-523-1272 and 202-523-1273, respectively.

**Authority**

The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

**Scope of investigation**

Having considered the complaint, the U.S. International Trade Commission, on September 8, 1986, Ordered That:

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain garment

hangers into the United States, or in their sale, by reason of alleged (1) infringement of claims 5 and 9 of U.S. Letters Patent 3,698,607; (2) infringement of claims 1-41 of U.S. Letters Patent 3,767,092; (3) infringement of claims 1-10 of U.S. Letters Patent 4,194,274; (4) infringement of claims 14, 15, 23, 24, 26, 29, 35, 36, and 37 of U.S. Letters Patent 4,123,864; and (5) trade secret misappropriation, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Batts, Inc., 200 North Franklin, Zeeland, Michigan 49464.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

A & E Products Group, Inc., 1460 Route 9 North, Suite 204, Woodridge, New Jersey 07095

A & E Products (Far East) Ltd., 12/F Euro Trade Centre, 13-14 Connaught Road C, Hong Kong.

A & E Products (Far East) Ltd., 2nd Floor #37, Alley 51, Lane 12, Sec. 3, Pa Tech Road, Taipei, Taiwan

Build-Up Plastic & Metal Co., Ltd., 10th Floor, Gemming Factory Bldg. 12 Hung To Road, Kwun Tong, Kowloon, Hong Kong

Kaung-Kai Industrial Co. Ltd., 3/F No. 86, Sec. 1, Ho Ping W. Road, Taipei, Taiwan

Hangers Unlimited, 148 South Second Street, Milwaukee, Wisconsin 53217

Lo Tung, Ltd., Room 704, No. 49, Chung Shan N. Road, Sec. 3, Taipei, Taiwan

Galdo Plast Industria e Comercio Ltda., Rua Itabaina, 128 Belenzinho, 03171—Sao Paulo-SP, Brazil

Pasargarda, Herald Center, Madison Avenue Level, One Herald Square, New York, New York 10001.

(c) Juan Cockburn, Esq., and Gary Rinkerman, Esq., Office of Unfair Import Investigations, United States International Trade Commission, 701 E Street NW., Room 128, Washington, DC 20436, shall be the Commission investigative attorneys, party to this investigation; and

(c) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding administrative law judge.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of

Practice and Procedure (19 CFR 210.21). Pursuant to § 201.16(d) and 210.21(a) of the rules (19 CFR 201.16(d) and 210.21(a)), such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW, Room 156, Washington, DC 20436, telephone 202-523-0471. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

By order of the Commission.

Issued: September 8, 1986.

**Kenneth R. Mason,**  
Secretary.

[FR Doc. 86-21050 Filed 9-16-86; 8:45 am]  
BILLING CODE 7020-02-M

**[Investigation No. 337-TA-183]****Certain Indomethacin; Commission Decision Not To Review Initial Determination Finding Respondent in Default**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Nonreview of initial determination finding respondent in default.

**SUMMARY:** Notice is hereby given that the Commission has determined not to review the presiding administrative law judge's (ALJ) initial determination (ID) finding respondent Industrios Quimicos Esteve, S.A. (Induspol) in default in the above-captioned investigation.

**FOR FURTHER INFORMATION CONTACT:** Marcia H. Sundeen, Esq., Office of the General Counsel, U.S. International

Trade Commission, telephone 202-523-0480.

**SUPPLEMENTARY INFORMATION:** On June 27, 1986, complainant Merck & Co., Inc. (Merck) filed a motion (Motion No. 183-91) requesting that respondent Induspol be found in default and that evidentiary sanctions be imposed. A separate motion (Motion No. 183-92) for sanctions was also filed on June 27, 1986.

On July 10, 1986, ALJ (Judge Saxon) issued an order (Order No. 51) ordering Induspol to show cause why certain findings, including a finding of default, should not be made. Induspol did not respond to that order and on August 8, 1986, the ALJ issued an ID (Order No. 52) finding respondent Induspol in default pursuant to Commission rule 210.25 (19 CFR 210.25). No petitions for review of the ID were filed, nor were any comments from other government agencies received.

In determining not to review the subject ID the Commission takes no position at this time as to the appropriateness of the adverse inferences which the ALJ has drawn against defaulting respondent Induspol pursuant to Commission rule 210.25(c) (19 CFR 210.25(c)).

Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, DC 20436, telephone 202-523-0161.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

By order of the Commission.

Issued: September 5, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-21051 Filed 9-16-86; 8:45 am]

BILLING CODE 7020-02-M

#### [Investigation No. 337-TA-183]

#### **Certain Indomethacin; Commission Decision Not to Review Initial Determination Terminating Seven Respondents on the Basis of Consent Orders on Basis of Consent Orders**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Nonreview of an initial determination (ID) terminating respondents Mylan Pharmaceuticals, Inc. (Mylan), Fabbri Italiana Sintetici

S.p.A. (FIS), S.S.T. Corp. (SST), PAR Pharmaceuticals, Inc. (PAR), Chelsea Laboratories, Inc. (Chelsea), Rugby Laboratories, Inc. (Rugby), and Zenith Laboratories, Inc. (Zenith) on the basis of consent orders.

**SUMMARY:** The Commission has determined not to review an ID (Order No. 53) terminating respondents Mylan, FIS, SST, PAR, Chelsea, Rugby, and Zenith in the above-captioned investigation on the basis of consent orders.

**FOR FURTHER INFORMATION CONTACT:** Marcia H. Sundeen, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0480.

**SUPPLEMENTARY INFORMATION:** This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and 19 CFR 210.53(h).

On July 11, 1986, complainant Merck & Co., Inc. (Merck), respondents Mylan, FIS, SST, PAR, Chelsea, Rugby, and Zenith and the Commission investigative attorney filed a joint motion (Motion No. 183-93) requesting that the above-captioned investigation be terminated with respect to the seven respondents on the basis of consent orders incorporating consent order agreements and settlement agreements. On August 12, 1986, the presiding administrative law judge issued an ID granting the joint motion to terminate the investigation with respect to the above-named respondents on the basis of consent orders. The Commission has received no petitions for review of the ID nor any comments from other Government agencies or the public.

Termination of respondents Mylan, FIS, SST, PAR, Chelsea, Rugby, and Zenith on the basis of consent orders furthers the public interest by conserving Commission resources and those of the parties involved.

Copies of the nonconfidential version of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

By order of the Commission.

Issued: September 9, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-21052 Filed 9-16-86; 8:45 am]

BILLING CODE 7020-02-M

#### [Investigation No. 731-TA-319 (Final)]

#### **Operators for Jalousie and Awning Windows From El Salvador; Import Investigation**

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution of a final antidumping investigation and scheduling of a hearing to be held in connection with that investigation and with countervailing duty investigation No. 701-TA-272 (Final), Operators for Jalousie and Awning Windows from El Salvador.

**SUMMARY:** The Commission hereby gives notice of the institution of final antidumping investigation No. 731-TA-319 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from El Salvador of operators suitable for use with jalousie and awning windows, provided for in item 647.03 of the Tariff Schedules of the United States, which have been found by the Department of Commerce, in a preliminary determination, to be sold in the United States at less than fair value (LTFV). The Commission also gives notice of the scheduling of a hearing in connection with this investigation and with countervailing duty investigation No. 701-TA-272 (Final), which the Commission instituted on June 18, 1986 (51 FR 26474, July 23, 1986). The schedules for investigation No. 701-TA-272 (Final) and for the subject antidumping investigation will be identical, pursuant to Commerce's extension of the countervailing duty investigation (51 FR 27232, July 30, 1986). Commerce will make its final LTFV determination and countervailing duty determination in these cases on or before November 10, 1986. The Commission will make its final injury determinations by January 2, 1987 (see sections 705(a) and 705(B) and sections 735(a) and 735(b) of the act (19 U.S.C. 1671d(a) and 1671d(b) and 19 U.S.C. 1673d(a) and 1673d(b))).

For further information concerning the conduct of these investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice

and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

**EFFECTIVE DATE:** September 3, 1986.

**FOR FURTHER INFORMATION CONTACT:** Lawrence Rausch (202-523-0300), Office of Investigations, U.S. International Trade Commission, 701 E Street, NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The subject antidumping investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that imports of operators for jalousie and awning windows from El Salvador are being sold in the United States at less than fair value within the meaning of section 731 of the act (19 U.S.C. 1673). The Commission's schedule for this investigation and for investigation No. 701-TA-272 (Final) has been made in accordance with Commerce's notice of extension of its final countervailing duty determination. The investigations were requested in a petition filed on March 19, 1986 by Anderson Corp., San Juan, PR, and Caribbean Die Casting Corp., Bayamon, PR. In response to that petition the Commission conducted preliminary investigations and, on the basis of information developed during the course of those investigations, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (51 FR 17683, May 14, 1986).

##### **Participation in the investigation—**

Persons wishing to participate in the antidumping investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

##### **Service list**

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of

all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

##### **Staff report**

A public version of the prehearing staff report in this investigation will be placed in the public record on November 4, 1986, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

##### **Hearing**

The Commission will hold a hearing in connection with the subject antidumping investigation and investigation No. 701-TA-272 (Final) beginning at 9:30 a.m. on November 20, 1986 at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on November 10, 1986. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 9:30 a.m. on November 14, 1986 in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is November 17, 1986.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

##### **Written submission**

All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 of the Commission's rules (19 CFR 207.22). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted

not later than the close of business on November 28, 1986. In addition, any person who has not entered an appearance as a party to these investigations may submit a written statement of information pertinent to the subject of the investigations on or before November 28, 1986.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

##### **Authority**

This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: September 10, 1986.

**Kenneth R. Mason,**

*Secretary.*

[FR Doc. 86-21053 Filed 9-16-86; 8:45 am]

BILLING CODE 7020-02-M

##### **[Investigation No. 337-TA-225]**

##### **Certain Multi-Level Touch Control Lighting Switches; Issuance of General Exclusion Order**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Determination of a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and issuance of Commission's general exclusion order.

**SUMMARY:** The Commission has determined to reverse those portions of the presiding administrative law judge's initial determination (ID) finding claims 1-4, 6, and 8-10 of U.S. Letters Patent 3,715,623 (the '623 patent) invalid and finding the imports of certain respondents noninfringing with respect to claims 2-4 of the '623 patent. The Commission has also determined to vacate those portions of the ID dealing

with claims 5 and 7 of the '623 patent because those claims were not subject to investigation. Finally, the Commission also determined to modify the ID with respect to the finding of domestic industry and the finding that infringing imports have the effect or tendency to substantially injure the domestic industry.

The Commission has determined that a general exclusion order pursuant to subsection 337(d) of the Tariff Act of 1930 (19 U.S.C. 1337(d)) is the appropriate remedy for the section 337 violations found to exist; that the public interest considerations enumerated in subsection 337(d) do not preclude such relief; and that the amount of the bond during the Presidential review period under subsection 337(g) shall be 60 percent of the entered value of the subject switches and 8 percent of the value of lamps containing the subject switches.

**FOR FURTHER INFORMATION CONTACT:** John Kingery, Esq., Office of the General Counsel, telephone 202-523-1638. Hearing impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202-724-0002.

**SUPPLEMENTARY INFORMATION:** On May 14, 1986, the presiding administrative law judge issued an ID in the above-captioned investigation. The ID found that: (1) Claims 1-6 of the '623 patent are invalid for lack of enablement under 35 U.S.C. 112, but claims 2-5 are valid; (2) The valid claims of the patent are infringed by certain of the respondents, but not infringed by other respondents; (3) There is a domestic industry consisting of complainant and one domestic licensee, but excluding part of that licensee's production of multi-level touch control lighting switches; (4) The domestic industry is economically and efficiently operated; and (5) Respondents infringing imports have the effect or tendency to substantially injure the domestic industry.

On June 30, 1986, the Commission determined to review those portions of the ID relating to patent validity, patent infringement, domestic industry, and effect or tendency to substantially injure.

Briefs on violation as well as on remedy, the public interest, and bonding, were received from complainant Southwest Industries, Inc., and the Commission investigative attorney.

Notice of this investigation was published in the *Federal Register* of August 14, 1985 (50 FR 32777).

Copies of the Commission's Action and Order, the Commission opinion in

support thereof, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161.

By order of the Commission.  
Issued: September 11, 1986.

Kenneth R. Mason,  
Secretary.

[FR Doc. 86-21054 Filed 9-16-86; 8:45 am]

BILLING CODE 7020-02-M

### Appointment of Individuals To Serve as Members of Performance Review Boards

**AGENCY:** United States International Trade Commission.

**ACTION:** Appointment of Individuals to Serve as members of Performance Review Boards.

**EFFECTIVE DATE:** September 17, 1986.

**FOR FURTHER INFORMATION CONTACT:** Terry P. McGowan, Director of Personnel, U.S. International Trade Commission, (202) 523-0182.

**SUPPLEMENTARY INFORMATION:** The Chairman of the U.S. International Trade Commission has appointed the following individuals to serve on the Commission's Performance Review Board (PRB).

Chairman of PRB, Anne E. Brunsdale,  
Vice Chairman

Member, Commissioner Seeley G. Lodwick

Member, Charles W. Ervin

Member, Lorin L. Goodrich

Member, Eugene A. Rosengarden

Member, Lyn M. Schlitt

Member, John W. Suomela

Notice of these appointments is being published in the *Federal Register* pursuant to the requirement of 5 U.S.C. 4314(c)(4).

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 724-0002.

By order of the Chairman:

Kenneth R. Mason,  
Secretary.

Issued: September 10, 1986.

[FR Doc. 86-21055 Filed 9-16-86; 8:45 am]

BILLING CODE 7020-02-M

### INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30887]

#### Brookho Company, Inc., and Gulf & Mississippi Railroad Corp.; Acquisition and Operation Exemptions in Tuscaloosa County, AL

Brookho Company, Inc. (BCI), and Gulf and Mississippi Railroad Corporation (G&M) has filed a notice of exemption for (1) BCI to acquire approximately 19.1 miles of G&M's line between Brookwood and Holt, AL; and (2) G&M to lease back and operate the line. Any comments must be filed with the Commission and served on Mark M. Levin, Suite 800, 1350 New York Avenue, NW., Washington, DC 20005-4797.

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: September 5, 1986.

By the Commission, Jane F. Mackall,  
Director, Office of Proceedings.

Noreta R. McGee,  
Secretary.

[FR Doc. 86-20952 Filed 9-16-86; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-31 (Sub-No. 22X)]

#### Grand Trunk Western Railroad Co.; Exemption; Discontinuance of Trackage Rights in Greene and Clark Counties, OH

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The Commission exempts from prior approval under 49 U.S.C. 10903, *et seq.*, the discontinuance of service by Grand Trunk Western Railroad Company over 18.4 miles of Consolidated Rail Corporation track in Greene and Clark Counties, OH, subject to standard labor protection.

**DATES:** This exemption is effective October 17, 1986. Petitions to stay must be filed by September 29, 1986 and petitions for reconsideration must be filed by October 7, 1986.

**ADDRESSES:** Send pleadings referring to Docket No. AB-31 (Sub-No. 22X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Kevin M. Stanko, Grand Trunk Western Railroad Company, 131 West Lafayette Blvd., Detroit, MI 48226.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 275-7693.

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area), or toll-free (800) 424-5403.

Decided: September 9, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

Noreta R. McGee,  
Secretary.

[FR Doc. 86-20951 Filed 9-16-86; 8:45 am]  
BILLING CODE 7035-01-M

[Finance Docket Nos. 30882 (Sub-1) and 30905]

**Nashville and Eastern Railroad Authority and Nashville and Eastern Railroad Corp.; Filing of Exemptions**

Nashville and Eastern Railroad Authority, and Nashville and Eastern Railroad Corp. (NERR) have filed a notice of exemption under 49 CFR 1150.31 to acquire and operate 131.11 miles of the Seaboard Systems Railroad, Inc., including the line between Nashville and Monterey, TN, two branch lines and a spur. NERR, the operator of the line, has also filed a notice of exemption under 49 CFR 1180.2(d)(2) for the continuance in control by four shareholders who also control the Tennken Railroad Co., Inc. and the West Tennessee Railroad Corp., all of which operate rail lines under contract with public authorities. These rail lines do not connect. Comments must be filed with the Commission and served on: John F. McHugh, Suite 1400, 19 Rector St., NY, NY 10006; (212) 425-0310. Applicants also filed a petition for exemption from all of the provisions of Subtitle IV. That petition will be handled in a separate decision.

If these notices contain false or misleading information, the exemptions are void *ab initio*. Petitions to revoke the exemptions under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

As a condition of use of the continuance in control exemption, any employee affected by that transaction shall be protected pursuant to *New York*

*Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

Decided: September 12, 1986.

By the Commission, Jane F. Mackall,  
Director, Office of Proceedings.

Noreta R. McGee,  
Secretary.

[FR Doc. 86-21215 Filed 9-16-86; 12:17 pm]  
BILLING CODE 7035-01-M

**DEPARTMENT OF JUSTICE**

**Lodging of Consent Decree Pursuant to the Clean Air Act; United States v. New York City Housing Authority**

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Final Judgment (On Consent) in *United States v. New York City Housing Authority*, Civil Action No. 83 Civ. 5748 (LBS) has been lodged in the United States District Court for the Southern District of New York on September 4, 1986.

The proposed Judgment concerns violations of the Clean Air Act ("Act"), 42 U.S.C. 7401 *et seq.*, and provisions of the New York State Implementation Plan ("SIP"), established pursuant to section 110 of the Act, 42 U.S.C. 7410. The violations occurred during NYCHA's operation of its incinerator units at various public housing projects throughout New York City. The proposed Judgment requires the defendant to phase out all incinerators by December 31, 1987, and replace them with trash compactors by March 31, 1988. NYCHA is also required in the interim to take various measures in effort to comply with the SIP.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Judgment. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. New York City Housing Authority*, D.J. Ref. No. 90-5-2-1-597.

The proposed Judgment may be examined at the Office of the United States Attorney, One Saint Andrew's Plaza, New York, New York 10007, and at the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278. Copies of the proposed Judgment may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Judgment decree may be

obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division, Department of Justice.

[FR Doc. 86-20955 Filed 9-16-86; 8:45 am]

BILLING CODE 4410-01-M

**LIBRARY OF CONGRESS**

**American Folklife Center Board of Trustees; Meeting**

**AGENCY:** Library of Congress.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice announces a meeting of the Board of Trustees of the American Folklife Center. This notice also describes the functions of the Center. Notice of this meeting is required in accordance with Pub. L. 94-463.

**DATE:** October 2, 1986, 9:30 a.m. to 4:30 p.m.

**ADDRESS:** Brookgreen Gardens Conference Center, Murrels Inlet, SC 29576.

**FOR FURTHER INFORMATION CONTACT:** Raymond L. Dockstader, Deputy Director, American Folklife Center, Washington, DC 20540.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public. It is suggested that persons planning to attend this meeting as observers contact Raymond Dockstader (202) 287-6590.

The American Folklife Center was created by the U.S. Congress with passage of Pub. L. 94-201, the American Folklife Preservation Act, in 1976. The Center is directed to "preserve and present American folklife" through programs of research, documentation, archival preservation, live presentation, exhibition, publications, dissemination, training, and other activities involving the many folk cultural traditions of the United States. The Center is under the general guidance of a Board of Trustees composed of members from Federal agencies and private life widely recognized for their interest in American folk traditions and arts.

The Center is structured with a small core group of versatile professionals who both carry out programs themselves and oversee projects done by contract by others. In the brief period of the Center's operation it has energetically carried out its mandate with programs that provide coordination, assistance,

and model projects for the field of American folklife.

Dated: September 8, 1986.

Glen A. Zimmerman,

Associate Librarian for Management.

[FR Doc. 86-20926 Filed 9-16-86; 8:45 am]

BILLING CODE 1410-01-M

## NATIONAL SCIENCE FOUNDATION

### Permits Issued Under the Antarctic Conservation Act of 1978

**AGENCY:** National Science Foundation.

**ACTION:** Notice of permits issued under the Antarctic Conservation Act of 1978, Pub. L. 95-541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice of permits issued.

#### FOR FURTHER INFORMATION CONTACT:

Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

**SUPPLEMENTARY INFORMATION:** On July 31, 1986, the National Science Foundation published a notice in the *Federal Register* of permit applications received. On September 10, 1986 permits were issued to: Gary Miller, William Evans, and Frank Todd.

Charles E. Myers,

Permit Office, Division of Polar Programs.

[FR Doc. 86-20959 Filed 9-16-86; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-348]

### Alabama Power Co., (Joseph M. Farley Nuclear Plant Units No. 1); Exemption

#### I.

The Alabama Power Company (the licensee) is the holder of Facility Operating License No. NPF-2 which authorized operation of the Joseph M. Farley Nuclear Power Plant Unit No. 1. This license provides, among other things, that the licensee is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

The facility comprises two pressurized water reactors at the licensee's site located near the City of Dothan, Alabama.

#### II.

On November 19, 1980, the Commission published a revised 10 CFR 50.48 and a new Appendix R to 10 CFR

Part 50 regarding the fire protection features of nuclear power plants (48 FR 76602). The revised § 50.48 and Appendix R became effective on February 17, 1981. Section 50.48(c) established the schedules for satisfying the provisions of Appendix R. Section III of Appendix R contains fifteen subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features of a nuclear power plant. Only one of the fifteen subsections, III.G, is the subject of this exemption request.

Section III.G.2 of Appendix R requires that one train of cables and equipment necessary to achieve and maintain safe shutdown be maintained free of fire damage by one of the following means:

(1) Separation of cables and equipment and associated non-safety circuits of redundant trains by a fire barrier having a 3-hour rating. Structural steel forming a part of or supporting such fire barriers shall be protected to provide fire resistance equivalent to that required of the barrier;

(2) Separation of cables and equipment and associated non-safety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustibles or fire hazards. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area; or

(3) Enclosure of cable and equipment and associated non-safety circuits of one redundant train in a fire barrier having a 1-hour rating. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area.

If these conditions are not met, section III.G.3 requires an alternative shutdown capability independent of the fire area of concern. It also requires a fixed fire suppression system to be installed in the fire area of concern if it contains a large concentration of cables or other combustibles. These alternative requirements are not deemed to be equivalent; however, they provide equivalent protection for those configurations in which they are accepted.

#### III.

By letter dated May 31, 1985, the licensee submitted the results of their Appendix R fire hazards analysis reevaluation for Unit No. 1, dated May 1985 for review. The licensee contends that the reevaluation was prompted by the interpretations to Appendix R promulgated in IE Notice 84-09 and Generic Letter 83-33. Therefore, based on the results of this reevaluation the licensee requested twenty-seven additional exemptions from the specific

provisions of section III.G of Appendix R for certain fire areas in Unit No. 1. Prior to the fire hazards analysis reevaluation, the Commission had granted only one exemption on December 30, 1983, for certain system cables or components located within the containment buildings of Unit No. 1. The Commission also granted an exemption on November 19, 1985, for certain shared fire areas of Unit No. 1 with fire areas for Unit No. 2 after the fire hazards analysis reevaluation.

The licensee identified twenty-seven specific fire areas which would require exemptions based on their reevaluation of Unit No. 1 fire areas. Based on our review of the licensee's submittal as well as site visits by the Region II assigned fire protection engineer and the assigned NRR Project Manager, we issued a safety evaluation finding that the licensee's alternate fire protection configuration in twenty-two of the twenty-seven fire areas where exemptions or modifications were requested represents an equivalent level of safety to that achieved by compliance with section III.G of Appendix R, 10 CFR 50. The remaining five exemptions required further review of the additional justifications provided by the licensee by letter dated October 18, 1985. An attachment to this safety evaluation discusses the remaining five fire areas. The alternate fire protection configurations in these areas also represent an equivalent level of safety to that achieved by compliance with section III.G of Appendix R, 10 CFR 50.

By letter dated July 16, 1986, the licensee provided information relevant to the "special circumstances" finding required by revised 10 CFR 50.12(a) (see 50 FR 50764). The licensee stated that the existing and proposed fire protection features at Farley, Unit 1 accomplish the underlying purpose of the rule. Implementing additional modifications to provide additional suppression systems, detection systems and fire barriers to comply with Appendix R for all areas of the plant would require the expenditure of engineering and construction resources as well as the associated capital costs which would represent an unwarranted burden on the licensee's resources. Costs that would be incurred are as follows:

—Engineering, procurement and installation of additional piping, sprinkler heads, and supporting structures.

—Engineering, procurement and installation of additional fire barriers, supports, support protection and ongoing maintenance.

—Significant rerouting of power cabling and associated conduits, ducts and supports.

—Increased surveillance on new or extended fire suppression and fire detection systems.

—Increased congestion in numerous plant locations complicating future plant modifications/operations.

The licensee stated that these costs are significantly in excess of those required to meet the underlying purpose of the rule. The staff concludes that "special circumstances" exist for the licensee's requested exemptions in that application of the regulation in these particular circumstances is not necessary to achieve the underlying purpose of Appendix R to 10 CFR Part 50. (see 10 CFR 50.12(a)(2)(ii)).

#### IV.

Accordingly, the Commission has determined pursuant to 10 CFR Part 50.12(a), that these twenty-seven technical exemptions discussed in Section III are authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest. The Commission hereby approves the twenty-seven requested exemptions from Appendix R of 10 CFR 50 section III.G as specifically identified in the Safety Evaluation dated September 10, 1986, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, DC, and at the Local Public Document Room, located at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the Exemption will have no significant impact on the environment (51 FR 32151, dated September 9, 1986).

This exemption is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of September, 1986.

For the Nuclear Regulatory Commission.

Thomas M. Novak,

Acting Director, Division of PWR Licensing-A, Office of Nuclear Reactor Regulation.

[FR Doc. 86-21062 Filed 9-16-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-322-OL-5 (EP Exercise); (ASLBP No. 86-533-01-OL)]

#### Long Island Lighting Co. (Shore Nuclear Power Station, Unit 1); Schedule for Prehearing Conference and Making Limited Appearances

Before Administrative Judges Morton B. Margulies, Chairman, Dr. Jerry R. Kline, and Frederick J. Shon.

September 10, 1986.

Pursuant to the Board's Order of September 9, 1986 providing for the scheduling of a prehearing conference in conjunction with the taking of limited appearances we set the following schedule for the session. The schedule has been affected by the availability of adequate hearing facilities.

Limited appearances will be taken on September 23, 1986, at Hauppauge, New York, in the William H. Rogers Building, Suffolk County Center, Veterans Memorial Highway, between the hours of 9:30 a.m. to 12:00 noon, 1:30 p.m. to 4:00 p.m., and 6:00 p.m. to 9:00 p.m.

Limited appearances will be taken on September 25, 1986, at Riverhead, New York, in the Riverhead Town Hall, 200 Howell Avenue, between the hours of 9:30 a.m. to 12:00 noon, 1:30 p.m., to 4:00 p.m., and 6:00 p.m. to 9:00 p.m.

Limited appearances will be taken on September 26, 1986, at Mineola, New York, in the Executive Building, 1 West Street, between the hours of 9:30 a.m. to 12:00 noon, 1:30 to 4:00 p.m., and 6:00 p.m. to 9:00 p.m.

The prehearing conference, concerned with legal issues, in which only the parties are to participate, will be held on September 24, 1986, at Hauppauge, New York, in the New York State Court of Claims, State Office Building, Room 3B44, Veterans Memorial Highway, commencing at 9:30 a.m. The public is invited to attend the prehearing conference.

It is so Ordered.

Dated at Bethesda, Maryland, this 10th day of September, 1986.

The Atomic Safety and Licensing Board.

Morton B. Margulies,

Chairman, Administrative Law Judge.

Dr. Jerry R. Kline,

Administrative Judge.

Frederick J. Shon,

Administrative Judge.

[FR Doc. 86-21063 Filed 9-16-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-416]

#### Mississippi Power and Light Co. et al.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing; Correction

In the September 4, 1986 issue of the Federal Register, the date on page 31741, first column, second complete paragraph, reads October 7, 1986; it should be corrected to read October 6, 1986.

Dated at Bethesda, Maryland, this 12th day of September 1986.

For the Nuclear Regulatory Commission.

Donnie H. Grimsley,

Director, Division of Rules and Records, Office of Administration.

[FR Doc. 86-21064 Filed 9-16-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-352-OL, 50-353-OL]

#### Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2); Order (Time of Hearing Designated)

September 11, 1986.

Before Administrative Judges Helen F. Hoyt, Chairperson, Dr. Richard F. Cole, and Dr. Jerry Harbour.

The hearing on the remanded issue in ALAB-845, scheduled to be held on September 22, 1986 in the Conference Room, Independence Terrace—Room 7B, Holiday Inn, Midtown, 1305 Walnut Street, Philadelphia, Pennsylvania 19107, will be begin at 9:00 a.m.

For the Atomic Safety and Licensing Board.

Helen F. Hoyt,

Chairperson, Administrative Judge.

[FR Doc. 86-21065 Filed 9-16-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-26]

#### Carolina Power and Light Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Appendix R to 10 CFR 50 to Carolina Power and Light Company (the licensee), for the H. B. Robinson Steam Electric Plant, Unit No. 2, located in Darlington County, South Carolina.

#### Environmental Assessment

##### Identification of Proposed Action

The exemption would:

1. Relieve the licensee from providing automatic fire suppression systems, pursuant to 10 CFR Part 50, Appendix R—section III.G.3 for all zones, and
  2. Relieve the licensee from providing conventional radiant energy heat shields for cable protection, pursuant to 10 CFR Part 50, Appendix R—section III.G.2.f.
- Equivalent levels of protection would be provided by the licensee.

##### The Need for the Proposed Action

The proposed exemption is needed in order to permit the licensee to use alternate fire protection configurations

that achieve an equivalent level of safety compared to that attained by compliance with section III.G of Appendix R.

#### *Environmental Impact of the Proposed Action*

The proposed Exemption would not degrade the level of safety attained by compliance with the rule and there would be no change in accident doses to the environment. Consequently, the probability of fires has not been increased and the post-fire radiological releases would not be greater than previously determined; nor does the proposed exemption otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impact associated with this proposed exemption.

With regard to potential nonradiological impacts, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemption.

#### *Alternatives to the Proposed Action*

Since we have concluded that the environmental effects of the proposed action are not significant, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested exemption. This would not reduce the environmental impacts associated with fire protection modifications and compliance with the rule and accrue unreasonable costs to the licensee without an increase in safety.

#### *Alternative Use of Resources*

This action does not involve the use of resources not previously considered in the Final Environmental Statement for H. B. Robinson.

#### *Agencies and Persons Contacted*

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

#### *Finding of No Significant Impact*

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a

significant effect on the quality of the human environment.

For further details with respect to this action, see the application for exemption from 10 CFR 50, Appendix R, section III.G.2 dated August 17, 1984, and the applications for exemption from section III.G.3 dated July 20, and November 20, 1984, February 13, May 10, and October 20, 1985, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Hartsville Memorial Library, Home and Fifth Avenue, Hartsville, South Carolina 29550.

Dated at Bethesda, Maryland, this 11th day of September, 1986.

For The Nuclear Regulatory Commission.

Lester S. Rubenstein,

Director, PWR Project Directorate No. 2,  
Division of PWR Licensing-A.

[FR Doc. 86-21061 Filed 9-16-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos.: 50-498 and 50-499]

#### **Houston Lighting and Power Co. et al.; Availability of Final Environmental Statement for the South Texas Project, Units 1 and 2**

Notice is hereby given that the Final Environmental Statement (NUREG-1171) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of the South Texas Project, Units 1 and 2 located in Matagorda County, Texas. The owners of the South Texas Project are Houston Lighting and Power Company, City Public Service Board of San Antonio, Central Power and Light Company and the City of Austin, Texas.

The Final Environmental Statement (NUREG-1171) is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, DC 20555 and in the Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488. The Final Environmental Statement is also being made available at the following Texas State Clearinghouses, Governor's Budget and Planning Office, Sam Houston Building, 7th Floor, P.O. Box 12428, Austin, Texas 78711 and Houston-Galveston Area Council, 3701 West Alabama Avenue, P.O. Box 22777, Houston, Texas 77027.

The notice of availability of the Draft Environmental Statement (DES) for the South Texas Project and request for comments was published in the **Federal Register** on March 28, 1986 (51 FR 10701). The comments received from

Federal, State and local agencies and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies of the Final Environmental Statement (NUREG-1171) may be purchased through the U.S. Government Printing Office by calling (202) 275-2060 or by writing to the U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013-7082. Copies may also be purchased from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Va. 22161.

Dated at Bethesda, Maryland, this 9th day of September, 1986.

For the Nuclear Regulatory Commission.

Vincent S. Noonan,

Director, PWR Project Directorate No. 5,  
Division of PWR Licensing-A.

[FR Doc. 86-21060 Filed 9-16-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

#### **GPU Nuclear Corp., Jersey Central Power and Light Co.; Consideration of Issuance of Amendments to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-16 issued to GPU Nuclear Corporation and Jersey Central Power and Light Company, for operation of the Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey.

The first proposed amendment would revise the footnote marked with an asterisk "\*" to Table 3.1.1, Protective Instrumentation Requirements, of the Appendix A Technical Specifications (TS). When it is necessary to conduct tests and calibrations of the protective instrumentative channels in accordance with the TS, the licensee proposes that one channel may be made inoperable for up to 2 hours without tripping the channel's trip system. This is instead of the existing requirement which allows that channel to be inoperable without tripping the trip system for only up to 1 hour per month. This first amendment is in accordance with the licensee's application dated September 5, 1986, for Technical Specification Change Request (TSCR) No. 153.

The second proposed amendment would (1) increase the high drywell pressure trip setpoint from not greater

than 2.4 psig to not greater than 3.5 psig and (2) add a bypass to the high flow trip of the "B" Isolation Condenser when initiating the alternate shutdown panel. The licensee is proposing to increase the value of the high drywell pressure trip setting in Table 3.1.1 of the TS. This applies to reactor scram, core spray initiation, containment spray initiation, containment isolation, automatic reactor vessel depressurization, Reactor Building isolation and the Bases in Section 3.1 of the TS for the table. For the bypass, the licensee is proposing to add a footnote "hh" stating that the trip function is bypassed upon initiation of the alternate shutdown panel to prevent a spurious trip of the "B" Isolation Condenser in the event of fire induced circuit damage. This second amendment is in accordance with the licensee's application for amendment dated September 9, 1986, for TSCR 147.

Before issuance of either proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that both amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The basis for this proposed determination for the first proposed amendment is the following. The first amendment proposes to revise the period of time when a protective instrumentation channel listed in Table 3.1.1 may be made inoperable without tripping its associated trip system. In the existing TS, these channels may be taken out of service to perform tests and calibrations for up to 1 hour per month without tripping the associated trip system. The proposed amendment would change that to 2 hours only for each required TS surveillance. The frequency of TS-required surveillances is listed in Table 4.1.1 of the TS. The proposed amendment should be more restrictive than the existing TS for 22 out of the 27 separate parameter (e.g., drywell pressure, reactor water level low function, APRM level) channels listed in Table 4.1.1. Each parameter channel is actually four separate

independent channels measuring the same parameter.

The licensee expects that the time needed for the analog trip system channels in the reactor protection system to be taken out of service for TS required tests and calibration and then returned to service is greater than an hour. Therefore, with the existing TS, every time the analog channel is taken out of service for TS-required tests and calibration, the channel may have to have its associated trip system be placed in the tripped condition while the channel is still under surveillance. These analog channels result from a modification to the reactor water level instrumentation system in the present outage which replaced digital sensing devices with an analog trip system and this situation did not exist before.

The channel performs its function by causing its associated trip system to trip in response to a safety setpoint being exceeded as, for example, high drywell pressure. A channel is tripped because it is inoperable, that is, not capable of actuating its associated trip system or because it is out-of-service too long and again is not capable of actuating its associated trip system. A channel is not tripped when it is taken out of service for tests or calibrations because putting it in the tripped condition increases the chance of spurious or inadvertent trips or scrams and thus unnecessary challenges to safety systems. In addition, the channel was operable prior to being taken out of service and there is no reason to believe the other channels are inoperable. Placing a channel in the tripped condition when it is inoperable also increases the chance of spurious or inadvertent trips or scrams but the fact the channel was inoperable may mean the other channels are more subject to the chance for being inoperable.

In addition, placing a reactor water level low low function channel in the tripped condition causes all four core spray pumps to unnecessarily start up. This channel is one of the analog channels discussed above. The proposed amendment would prevent starting up these pumps during required TS surveillance on these channels.

Monthly surveillance testing is necessary to provide a high degree of reliability for the automatic actuation circuits of the Reactor Protection and Engineered Safety Feature Systems. In order to test the actuation circuit completely, it must be made inoperable but not tripped. Tripping the channel rather than making it inoperable during the required surveillance testing would increase the likelihood of spurious scrams or unnecessary challenges to

safety systems. Also, given the tested reliability of the operational instrument, an increase in out of service time from 1 hour to 2 hours will have a negligible effect on channel failure rate.

Additionally, the Standard Technical Specifications for General Electric Boiling Water Reactors, NUREG-0213, specifies a 2-hour limit for TS required surveillance.

For this first proposed amendment submitted in the licensee's letter dated September 5, 1986, the proposed changes should not involve a significant hazards consideration because operation of Oyster Creek in accordance with these changes would:

(1) not involve a significant increase in the probability or consequences of an accident previously evaluated. The protective instrumentation channels and the condition of the associated channel trip system during channel TS surveillance does not change the probability of an accident. The channels and the channel system respond to off normal conditions (i.e., conditions exceeding safety setpoints) to prevent or respond to accidents or accident conditions. The channels and channel trip systems are not initiators of accidents but systems to act to prevent or respond to accidents. The channels and channel trip do not change the consequences of an accident because only one of the four independent channels measuring the same parameter is taken out of service at a time for TS surveillance. Therefore, three channels remain for each parameter to perform the functions of responding to changes in that parameter.

(2) not create the possibility of a new or different kind of accident from any previously analyzed. The amendment does not create the possibility of a new or different kind of accident because only one of the four channels measuring a parameter is allowed to be out-of-service without the channel trip system in the tripped condition. By the design of the trip logic circuitry, two of the other three parameter channels will respond to changes in the parameter being measured and actuate their trip system.

(3) not involve a significant reduction in a margin of safety. This amendment either (1) decreases the period of time that a channel may be made inoperable with its associated trip system not placed in the tripped condition or (2) increases it insignificantly. For those channels where the period of time is increased, there are other channels following independent parameters for which the period of time should be decreasing with the amendment. The typical increase for a channel is from 1

hour per month to 2 hours per month which is an increase of 12 hours per year or 0.137% per year. The worst increase is for one channel and is an increase of 1 hour per 3 days or 122 hours per year. This is an increase of 1.39% per year. These are worst case estimates since the actual time the channel may be out-of-service for TS tests and calibrations should be less than the 2 hours.

The basis for the proposed determination for the second proposed amendment is the following. The second amendment proposes to (A) increase the setpoint for drywell pressure channel to actuate its associated trip system and cause reactor scram, core spray, containment spray, containment isolation, reactor vessel depressurization and Reactor Building isolation and (B) add a bypass to the high steam line flow and high condensate return line flow for "B" Isolation Condenser isolation for when the alternate shutdown panel is initiated. These two lines are lines to and from the Isolation Condenser. The instrument setpoint for the High Drywell Pressure TS Limit of 2.4 psig was found by the licensee to be unacceptable to maintain and achieve safe shutdown conditions for a postulated Appendix R event. This event involves a fire. For this event, the drywell cooling fans are assumed lost due to the fire, and the reactor is cooled by the Isolation Condenser with no feedwater flow. Thus, it is essential that the Automatic Depressurization System (ADS) logic does not actuate to further reduce reactor water level. The analysis for this event concluded that the drywell pressure could reach 1.9 psig which would exceed the current high drywell pressure instrument setpoint of 1.85 psig. Therefore, the three ADS actuation logic signals (low-low-low reactor water level, high drywell pressure, and core spray pump discharge pressure) may be satisfied with the current instrument setpoint for high drywell pressure and would result in an inadvertent initiation of ADS. In order to prevent an inadvertent actuation of ADS during a postulated Appendix R event and to minimize spurious trips caused by instrument drift, a revised TS limit of 3.5 psig was requested for the drywell pressure.

For evaluating the acceptability of increasing the drywell pressure TS limit to 3.5 psig, the effect of the increased TS limit on anticipated plant operational occurrences and accidents was evaluated. Each of the protective functions listed below was examined by the licensee to determine how each

function would be altered by the new TS limit, and subsequently how this altered protective function response would affect the plant design response to the transients and accidents evaluated on the Oyster Creek docket. The following are the conclusions by the licensee:

#### *Reactor Scram*

The high drywell pressure scram function is provided to shut down the core following a loss-of-coolant accident (LOCA). For most LOCA events, this function will precede a low reactor water level scram signal. However, the Oyster Creek LOCA analyses which were submitted by the licensee in response to 10 CFR 50.46 and 10 CFR Part 50, Appendix K, demonstrate for large breaks that shutdown will occur as a result of excessive voiding, not high drywell pressure. For small breaks, scram will occur at 0.3 second as a result of the loss of offsite power. Therefore, the scrams which would have been associated with high drywell pressure were not the determinant factors.

Small breaks without a loss of offsite power would be less severe due to feedwater availability. The core is adequately protected by a scram on low reactor water level and a scram associated with main steam isolation valve (MSIV) closure at low-low reactor water level. In any case, the scram delay associated with a drywell pressure TS limit increase to 3.5 psig is minimal and is more than compensated for by the conservative scram reactivity curves used in the analyses. Further, the normal operating drywell pressure is typically greater than atmospheric pressure which is assumed in the analyses, and thus the pressure difference and associated time delay is less.

For large steam region breaks with feedwater available, the scram associated with high main steam line flow, low system pressure and low reactor water level would occur at approximately the same period of time as the high drywell pressure. In these cases, the effect of a TS limit increase to 3.5 psig would be negligible on the transient behavior. For small steam line breaks with feedwater, high drywell pressure is the only scram function. In these cases, the small increases in the setpoint would have a negligible effect on the transient severity.

In these cases, the vessel pressure and level remain within normal bounds so that the core is cooled in the normal manner. In this way, even a large delay in scram time on high drywell pressure would not have any impact on this LOCA. The operator could, in fact,

proceed with an orderly shutdown if the scram does not occur.

#### *Core Spray Pump Start*

The core spray pumps will automatically start on either low-low reactor water level or high drywell pressure. Depending on the nature of the LOCA, either one or both of these signals will be available.

In all cases analyzed for Oyster Creek, the time required to depressurize the system to the 285 psig core spray permissive pressure is limiting with respect to core spray initiation. Thus, the core spray flow will begin at the same time for either a 2.4 or 3.5 psig high drywell pressure TS limit.

#### *Containment Spray*

The containment spray system will actuate automatically upon indication of high drywell pressure and low-low reactor water level. Depending upon the size and location of the break and whether or not feedwater is available, the high drywell pressure signal will occur either alone or in conjunction with low-low reactor water level. For all break sizes either above or below the core, without feedwater, high drywell pressure will occur prior to low-low reactor water level. A high drywell pressure TS limit increase from 2.4 to 3.5 psig will not change this result. For large breaks with feedwater, this conclusion is also valid. For small breaks with feedwater, low-low reactor water level may not occur and operator action will be required to initiate the sprays. Again, the increased high drywell pressure setpoints will not affect this conclusion. There are no LOCA events analyzed on the docket for which the increase of 1.1 psig in the TS limit will prevent or delay the automatic initiation of the containment spray system.

#### *Primary Containment and Reactor Building Isolation*

Primary and secondary containment isolation results automatically from high drywell pressure or low-low reactor water level. The arguments presented earlier regarding the negligible delay in high drywell pressure indication associated with 1.1 psig TS limit increase are applicable. Coupling this with the fact that high drywell pressure precedes low-low reactor water level for all break sizes and locations provides assurance that fuel damage will not have occurred as a result of a LOCA prior to isolation of the containment. The TS limit increase will not alter the order of signal initiation for all breaks analyzed. As indicated previously, even for very small steam breaks, the time

delay associated with the 1.1 psig TS limit increase is negligible (approximately 40 seconds of a 0.01 ft<sup>2</sup> main steam line break).

#### *Automatic Depressurization System (ADS)*

The actuation of the ADS, which is required during a small break LOCA to depressurize the vessel and permit low pressure core spray flow, is limited in its initiation by the time required to reach low-low-low reactor water vessel level. For small breaks with or without feedwater flow, high drywell pressure will be reached within seconds even for the smallest break analyzed on the Oyster Creek docket. The time required to reach low-low-low reactor water level for these cases is much longer. If feedwater is available, low-low-low reactor water level may not be reached in some cases and will be delayed in all cases. Thus, a high drywell pressure TS limit increase of 1.1 psig will not result in a change in the initiation time of ADS for any small break analyzed.

#### *Standby Gas Treatment System (SGTS) Initiation*

The SGTS treats and exhausts the atmosphere of the reactor building to the stack during containment isolation conditions. This prevents ground level leakage of fission products from the reactor building. This system is initiated by high drywell pressure or low-low reactor water level analogous to primary and secondary containment isolation.

The arguments pertaining to reactor building isolation are all applicable to the SGTS. Since both are initiated by the same signals, the SGTS will be available to perform its intended function simultaneously with isolation of the reactor building which is its normal mode of operation.

The following is related to the proposed bypass for "B" Isolation Condenser isolation. An alternate shutdown capability is being provided to assure safe shutdown and cooldown of the reactor in the event of a fire causing evacuation of the control room or loss of control room function due to fire damage in the cable spread rooms. This capability utilizes the isolation condenser for decay heat removal and reactor cooldown to establish a safe shutdown condition. Since a fire affecting cabling associated with the high flow isolation condenser trip function could result in a spurious isolation of the isolation condenser, the design includes a bypass of the trip function upon initiation of the alternate shutdown panel.

The high flow trip function is provided to isolate the system in the event of a

line break outside primary containment. The occurrence of a fire requiring initiation of the alternate shutdown panel in conjunction with a line break accident is not considered a credible event. The alternate shutdown panel is initiated through transfer switches which are key locked and alarmed in the control room to prevent inadvertent actuation. Single failure of the switch will not preclude operation of the isolation condenser high flow trip in the event of a line break accident.

The design of the alternate shutdown system including bypassing the high flow trip function was reviewed and approved by the Nuclear Regulatory Commission in its Safety Evaluation dated March 24, 1986.

Based upon the above discussion for the second proposed amendment, the proposed change should not involve significant hazards consideration. In summary, it has been determined that the proposed amendment would:

(1) Not involve a significant increase in the probability or consequences of an accident previously evaluated;

(a) The proposed change to the high drywell pressure TS limit does not alter the probability of any previously evaluated accident because the TS limit is not an initiator of an accident. For each case analyzed, the delay in high drywell pressure indication because of the higher setpoint had minimal or no effect on the accident severity.

(b) The proposed bypass of the high flow trip is not an initiator of an accident and it is used only in response to a severe fire; therefore, it does not change the probability of an accident previously evaluated. The proposed bypass is used to assure that an isolation condenser would be available when needed during a severe fire and has been reviewed and approved by the NRC staff and, therefore, it should not increase the consequences of an accident previously evaluated.

(2) Not create the probability of a new or different kind of accident from any accident previously evaluated;

(a) The proposed increase to the high drywell pressure setpoint only involves a small increase to a trip setting. This results in minimal or no effect on when automatic protective actions are assumed to be initiated in accident analyses. It also does not involve a change of any of the limiting safety system settings listed in section 2.3 of the Oyster Creek TS.

(b) Bypassing the isolation condenser high flow trip occurs only during initiation of the alternate shutdown panel. This bypass is to assure the operation of an isolation condenser when it may be needed.

(3) Not involve a significant reduction in a margin of safety;

(a) The proposed increase in the high drywell pressure setpoint has minimal or no effect on the severity of the accidents analyzed.

(b) The proposed bypass of the high flow trip is to assure operation of an isolation condenser when it may be needed and single failure of the switch to initiate the alternate shutdown panel will not preclude operation of the isolation condenser high flow trip in the event of an isolation condenser line break accident. The occurrence of a severe fire requiring initiation of the alternate shutdown panel and then an isolation condenser line break before the alternate shutdown panel is in operation is not considered sufficiently credible to design for. This was reviewed and approved by the NRC staff.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments should be addressed to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this *Federal Register* notice. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street NW., Washington, DC.

By October 17, 1986, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing

Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment

and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attn: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John A. Zwolinski, Director, BWR Project Directorate No. 1, Division of BWR Licensing: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel-Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Ernest L. Blake, Jr., Shaw, Pittman, Potts and Trowbridge, 1800 M Street NW., Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the

Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the applications for amendment which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Local Public Document Room located at the Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

Dated at Bethesda, Maryland, this 12th day of September, 1986.

For The Nuclear Regulatory Commission.

John A. Zwolinski,

Director, BWR Project Directorate No. 1,  
Division of BWR Licensing.

[FR Doc. 86-21059 Filed 9-16-86; 8:45 am]

BILLING CODE 7590-01-M

## SECURITIES AND EXCHANGE COMMISSION

### Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, 450 Fifth Street, NW., Washington, DC 20549.

Revision

Rule 31a-2 [17 CFR 270.31a-2]

File No. 270-174

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 [44 U.S.C. 3501 *et seq.*], the Securities and Exchange Commission has submitted for clearance a proposed amendment to Rule 31a-2 to permit the books and records of investment companies to be kept and maintained on a computer storage medium if the information originates in that form.

Comments should be submitted to OMB Desk Officer: Ms. Sheri Fox, (202) 395-3785, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, DC 20503.

Shirley E. Hollis,

Acting Secretary.

June 19, 1986.

[FR Doc. 86-21047 Filed 9-16-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23593; SR-Amex-86-10]

**Self-Regulatory Organizations,  
American Stock Exchange, Inc.; Order  
Approving Proposed Rule Change****I. Introduction and Background**

The American Stock Exchange, Inc. ("Amex") submitted on April 4, 1986, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder to implement on a permanent basis its pilot program<sup>1</sup> whereby a newly-listed company may choose its specialist unit from a list of seven specialist units selected by the Exchange's Committee on Equities Allocation ("Allocations Committee"). Under the program, the issuer may elect to have the Allocations Committee choose its specialist according to the procedure in effect prior to the implementation of the pilot program. A new issuer, whether or not it chose its specialist, also may request a change of specialist if, within the first year of listing, it becomes dissatisfied with its specialist unit.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Act Release No. 23153, April 21, 1986) and by publication in the Federal Register (51 FR 15983, April 29, 1986). No comments were received with respect to the proposed rule change.

On June 18, 1984, the Commission approved on a pilot basis the Amex's proposal to allow a new issuer to select its specialist from a list of seven specialist units compiled by the Amex Allocations Committee. Prior to this action, the Amex allocated new listings to specialist units in part on the basis of their on-floor performance as measured by both objective and subjective criteria established by the Exchange.

The pilot program permits the issuer, rather than the Exchange, to be the final decision-maker regarding the choice of the specialist unit to trade the issuer's stock. The issuer is, however, restricted to selecting its choice from a list of seven specialist units recommended by the Exchange on the basis of the same largely performance-based criteria

utilized in the prior allocations procedure.

When the Commission approved the adoption of this pilot program in 1984, the Commission expressed two primary concerns: (1) Would the resulting allocations be based on specialist performance, or would issuers be influenced by such factors as promotional efforts of specialists?; and (2) Would this new procedure encourage a closer relationship between specialist and issuer, creating the appearance of impropriety and, possibly, conflict of interest which might undermine public confidence in the integrity of the marketplace? Despite these concerns, the Commission approved the Amex's pilot program in light of procedural safeguards established by the Amex to prevent these concerns from emerging and in order for the Amex to gain experience with the new program.

After assessing the results of the Amex's pilot program for the past two years, the Commission has determined to approve on a permanent basis the Amex's amendment to its stock allocation procedures. The Amex has shown that issuers primarily have selected specialists who have met a high standard of performance (as measured by the Amex's specialist evaluation procedures) thus continuing the incentive for specialists to improve their performance. In addition, the Amex has implemented and enforced safeguards to ensure that inappropriate or prohibited relationships between issuers and specialists do not develop.

**II. Specialist Performance Evaluation  
and the Issuer Choice Program**

Pursuant to Amex Rule 170,<sup>2</sup> the Amex has designed specialist evaluation procedures and procedures for the reallocation of securities as a result of substandard performance. The performance of a specialist is evaluated on a routine basis by Amex floor brokers, the Amex Performance Committee<sup>3</sup> and Exchange staff, and

the data obtained from these sources is used by the Performance Committee to evaluate specialists and to suspend a specialist's registration in a stock as a result of poor performance.<sup>4</sup> The data is used by the Allocations Committee<sup>5</sup> to assemble a list of the specialists from which the new issuer may choose its specialist or to allocate a specialist to a new listing, if the issuer chooses to ask the Exchange to do so.

Under the allocations procedures in effect prior to the implementation of the pilot program in 1984, and continuing as an option under the pilot program, the Allocations Committee first compiled a list of the ten specialist units considered most eligible for listing. From this list, an issuer might eliminate up to three of the ten units. The Allocations Committee then reconvened to make the final choice from the remaining seven units. Under this system, the Allocations Committee selected a specialist unit based on a number of performance-related criteria, as well as a number of additional factors regarding the suitability of a particular unit to the stock to be allocated.<sup>6</sup> Thus, under the original Amex system, a specialist chosen for the new stock would not necessarily be the specialist unit that received the highest ratings. Rather, the

<sup>4</sup> The Amex employs two major evaluation tools in assessing specialist performance: (1) The specialist unit evaluation questionnaire ("questionnaire") which elicits the opinions of floor brokers as to the overall performance of the specialist unit, and (2) the Performance Committee evaluation ratings, based on specific trading irregularities detected by Exchange staff and reviewed by the Committee. On a quarterly basis, the Exchange distributes the questionnaire to floor brokers and registered traders who evaluate the performance of specialist units based on their floor contact with them. The identity of and specific comments provided by evaluations are confidential. Four categories of performance are evaluated: fiduciary responsibility, specialist unit staffing, communication and auction market maintenance. Members use a 1 (highest) to 5 (lowest) rating system.

The Performance Committee also provides a quarterly rating of 1 to 5 for each unit based on the number and severity of trading irregularities considered by the Committee. A unit receiving a score of 4 or 5 on either the quarterly questionnaire or Performance Committee ratings is not eligible for new allocations until its ratings improve. used

<sup>5</sup> the Allocation Committee has been delegated authority by the Board to allocate and reallocate securities to specialist units.

<sup>6</sup> The Allocations Committee receives a summary statistics sheet, compiled by the Trading Analysis Division, which includes, among other things, performance and questionnaire ratings, average principal participation for the prior six months, average daily volume per active specialist for equities and options for the prior six months, average daily volume per active specialist for equities and options for the most recent 12 and 3 month period, and the number of issues allocated in the last 12 months.

<sup>1</sup> On June 18, 1984, the Commission approved the Amex proposal for a one year period. Securities Exchange Act Release No. 21002 (June 18, 1984), 49 FR 25726. Subsequently, in Securities Exchange Act Release Nos. 22185 (June 28, 1985), 50 FR 27872; 22780 (January 8, 1986); 23000 (March 12, 1986), 51 FR 9559; and 23371 (June 26, 1986), 51 FR 24459, the Commission approved one six-month extension and three three-month extension, respectively, of the proposal.

<sup>2</sup> Under Rule 170, if the Amex determines that a specialist substantially or continuously fails to engage in a course of dealings reasonably calculated to assist in maintaining a fair and orderly market or fails to meet other specified performance standards which are conditions for continued registration as a specialist, it may suspend or revoke the specialist's registration in one or more of the securities in which he is registered.

<sup>3</sup> The Performance Committee is appointed by the Board and is charged with evaluating specialist performance as well as taking appropriate corrective action to improve the quality of Amex markets. The Committee is composed of approximately 20 floor members, including five floor governors, representing specialists, registered traders, and brokers, all of whom are Exchange officials or floor officials.

Allocations Committee based its final decision on a variety of factors in addition to performance criteria, such as the size of the unit and capital requirements for handling the new stock, as well as factors internal to the Amex stock allocation system itself, such as whether the unit recently had been allocated a stock and whether it had recently lost a stock (e.g., by merger or delisting).

Under the pilot program, the Allocation Committee selects seven specialist units on the same basis described above. The issuer may select its specialist from the list.<sup>7</sup> If the issuer so chooses, the Allocations Committee will select the issuer's specialist according to the procedure in existence prior to the initiation of the pilot program. A second feature of the pilot program is that, if a newly listed company becomes dissatisfied for any reason with its specialist unit within the first year of listing, it is permitted to request a change.<sup>8</sup>

### III. Discussion

The Amex allocation system originally was designed to further two ends: (1) That specialists receiving performance ratings above a certain minimum level would be entitled to receive a least some allocations, and (2) that superior performance would result in a specialist unit receiving more desirable allocations and a greater number of allocations. Thus, although the original stock allocation procedure allocated newly-listed stocks to a substantial percentage of all Amex specialist units, by including consideration of performance-based criteria, the system provided incentives for specialists to provide quality performance.

In 1984, the Commission approved the Amex's issuer choice program on a pilot basis despite concern that the Exchange's largely performance-based allocation system could be undermined and that issuers would be unduly influenced in their choice by factors other than specialist performance, thus implicitly encouraging specialist units to perfect a "sales" approach rather than improving their quality of performance. Furthermore, as noted above, the Commission expressed concern that a closer relationship between each issuer and specialist would develop, creating the appearance of impropriety and, possibly, conflict of interest.

Accordingly, the Amex instituted safeguards to prevent such problems

and reported on the results of the program, and, during the past two years, the Commission has monitored the results of the program. The Commission also believed, however, that the Amex must be able to compete within the equity markets for new listings. The Amex was arguably competitively disadvantaged by the fact that issuers were often capable of influencing their investment bankers to make a market for their securities quoted in NASDAQ, while they had no effective role in the selection of an Amex specialist for their stock. The pilot program was designed to allow the Amex to compete for new issuers with the National Association of Securities Dealers, while minimizing the potential for abuse by specialists and issuers.

The Amex believes, based on comments received from issuers and related interested parties, that granting the issuers the option to choose their specialists has attracted new listings.<sup>9</sup> During the 18 months preceding the implementation of the pilot program there were 71 new listings on the Exchange. In comparison, during the 18 months following the approval of the program there were 103 new listings, an increase of approximately 50%. Of these issuers, 96 selected their own specialists.<sup>10</sup> During this period, no issuer has exercised its right to switch specialists during the first twelve months of listing.<sup>11</sup>

The statistics provided by the Amex illustrate that the issuers have been able to make informed decisions as to their choice of specialists. Because the Amex does not provide issuers with the performance ratings of specialist units, the fact that issuers consistently have selected the higher-rated specialists suggests that they have chosen their specialists after having determined the units' reputation for quality performance from sources familiar with specialists performance such as investment bankers

and members of their corporate finance department.<sup>12</sup>

At the time the pilot program was approved, Amex agreed to implement certain procedures to reduce the likelihood that specialists would develop inappropriate or prohibited relationships with issuers.<sup>13</sup> These procedures included: (1) Barring specialist units from contacting a prospective listee once the company decided to list on the Amex; (2) requiring that a company wishing to interview an individual specialist unit do so only through arrangements by the Amex, which would provide all other units equal opportunity to meet with the company; (3) advising specialists that they must notify the Amex Marketing Department of any contact they wish to initiate with unlisted companies or any unsolicited contact they have with the company; and (4) providing procedures whereby all specialist units have any equal opportunity to participate in the marketing program.

In order to ensure that all specialists were aware of these guidelines and the parameters of the pilot program, written guidelines were distributed to all units. At that time, all specialists were advised and periodically remained thereafter, that they must notify the Marketing Department of any contacts they wish to initiate with unlisted companies, and that the Exchange could request units to avoid making such contacts if it believed in any particular case that such activities could hinder its marketing effort or would otherwise be inappropriate. Specialists also were advised that they must report all unplanned contact with prospect companies. Once a company has decided to list, specialists are barred from making contact with the company. Specialists have been advised that violations of Exchange policy would be referred to the Performance Committee

<sup>9</sup> See letter from Carrie E. Dwyer, Vice President and Associate General Counsel, Amex, to Michael Cavalier, Branch Chief, Exchange Regulation, SEC, dated June 27, 1986.

<sup>10</sup> The Amex requested one issuer to use the regular allocation procedure due to the company's unique corporate structure. The issuer agreed. Six issuers were allocated specialists under the "related security" allocation program which provides that securities which are listed be assigned to the original specialist, and securities which are closely related to an already listed security be assigned to the same specialist. Letter from Carrie E. Dwyer, to Brandon Becker, Assistant Director, Division of Market Regulation, dated April 21, 1986 ("April 21 Letter").

<sup>11</sup> *Id.* See letter from Carrie E. Dwyer to Brandon Becker, dated May 16, 1985 ("May 16 Letter").

<sup>12</sup> Accordingly, even though issuers are not provided with the performance rankings of eligible specialists, nor do all issuers interview eligible specialists, the Amex believes that issuers "select their specialist unit on an informed basis, by interviewing specialists, consulting their investment bankers, members of their corporate finance department and their corporate counsel, as well as the officers of other listed companies and their investment bankers." May 16 Letter, *supra* note 11, at 3. The Commission staff conducted an informal telephone poll of approximately 10% of the issuers listing stock from July 1, 1984 through December 31, 1986 to verify the Amex's conclusions. In general, issuers confirmed that their decisions are influenced by recommendations of investment bankers and other corporate officers who have knowledge of the specialists' performance.

<sup>13</sup> See letter from Robert J. Birnbaum, President, Amex, to Richard G. Ketchum, Associate Director, Division of Market Regulation, dated May 8, 1984.

<sup>8</sup> This option is available to the issuer whether or not it originally chose its specialist.

for appropriate action, including referral to the Compliance Department for appropriate disciplinary action. A marketing officer of the Exchange maintains a log of all specialists' requests for contact with issuers and the disposition of each request.<sup>14</sup>

The Amex provides all seven selected specialist units with an equal opportunity to meet with the newly-listed issuer.<sup>15</sup> If a company wishes to interview specialists, the Amex offers to arrange telephone interviews or in-person interviews on Exchange premises. Since the pilot program became effective, the percentage of issuers which take advantage of the interviewing process has increased. From May through December 1985, 52% of the issuers interviewed one or more of the seven available specialist units. The Amex continues to encourage issuers to interview specialists and has offered the opportunity to specialists to enhance their marketing and interviewing skills.<sup>16</sup>

When a company requests that a certain specialist unit be included on the list of seven, the Executive Vice President of the Marketing Division determines whether the specialist unit had received permission to contact the company and whether it followed the procedures for reporting contacts with the company. If it is determined that the unit followed all required procedures, and the President of the Exchange or, in his absence, the Executive Vice President for Operations, determines in reviewing all the available information that the request should be made available to the Allocations Committee, the Allocations Committee is informed. However, the Allocations Committee is not obligated to honor the request.<sup>17</sup>

Based on the data provided to it by the Amex, the Commission does not believe that there have been abuses in the Exchange's marketing procedures by specialist units. There is no evidence of any one specialist unit receiving an unjustifiably disproportionate number of allocations. Where certain units received a greater proportion of new listings, those units were found to score as high as, or higher than, their

competitors. Further more, the larger, better known units do not appear to have an advantage over smaller, lesser-known units. An analysis of the specialist units eligible for an allocation and those chosen show that, although the larger firms generally were eligible more often than their counterparts, they were rarely chosen if higher rated units were available.

During the past two years, Amex has indicated that it has intensified its surveillance of conduct which might evidence improper relationships between specialist units and newly-listed companies by closer monitoring of trading in those companies and the trading by specialist units to which the issuers are allocated.<sup>18</sup> According to the Exchange, these additional surveillance measures, geared specifically to analyze whether pilot participants may have given or obtained advance knowledge of non-public information, have detected no incidents of trading irregularities as of April 21, 1986.<sup>19</sup>

#### IV. Conclusion

The results of the pilot program illustrate that Amex specialist units' performance has not been adversely affected by permitting the issuers to choose their specialists. Issuers repeatedly have selected highly rated specialists to handle their securities, thus continuing the incentive for specialists to improve their performance. Furthermore, the procedures implemented by the Amex appear to identify, minimize, and penalize potential conflicts arising out of these relationships between specialists and issuers. The Commission believes that permanent approval of the Amex proposal is appropriate in light of these procedures, which should continue.

For the reasons discussed above, the Commission finds the proposal rule change is consistent with the requirements of the Act applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act and the rules and regulations thereunder.

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 5, 1986.

Jonathan G. Katz,  
Secretary.

[FR Doc. 86-20995 Filed 9-16-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23596; File No. SR-CBOE-86-24]

#### Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Approving Proposed Rule Change

On July 17, 1986, the Chicago Board Options Exchange, Incorporated, submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder, a proposed rule change to add a third consecutive expiration month for trading in the Standard and Poor's 500 Stock Index.

The proposed rule change was noticed in Securities Exchange Act Release No. 23506 (August 5, 1986), 51 FR 28786 (August 11, 1986). No comments were received on the proposed rule change.

The purpose of this proposed rule is to give the Exchange the option of adding a third consecutive expiration month in the Standard and Poor's 500 Stock Index (SPX), and the Standard and Poor's 100 Stock Index (OEX). After the July expiration, the expiration months available for trading in SPX will be August, September, December, March and June; under the proposed pattern, the expiration months available for trading would be August, September, October, December, March and June. Before the Exchange applies this rule change to OEX, however, the Exchange will file a rule change pursuant to section 19(b)(3)(A) of the Act and Securities Exchange Act Release No. 23257 approving SR-CBOE-86-04 which allowed CBOE to have up to five expiration months in stock index options, ranging from one to twelve months to expiration from the date of listing. The statutory basis for the proposed change is section 6(b)(5) of the Act, in that it is designed to facilitate transactions in SPX option contracts.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6 and the rules and regulations thereunder.

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change is approved.

<sup>14</sup> May 16 Letter *supra* note 11.

<sup>15</sup> The Amex provides the issuer with a list of the seven units from which it may choose its specialist and offers to provide the list of stocks in which each unit specializes. The Amex urges the issuer to interview each of the specialists on the list.

<sup>16</sup> The Amex offered professional communications seminars in October and November 1985 and February 1986 to senior personnel of all Amex specialist units. The seminars were intended in part to assist specialists in the marketing program and interviewing process under the pilot program.

<sup>17</sup> April 21 Letter, *supra* note 10.

<sup>18</sup> April 21 and May 16 Letters, *supra* notes 10 and 11.

<sup>19</sup> April 21 Letter, *supra* note 10.

Dated: September 5, 1986.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-20996 Filed 9-16-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23597; File Nos. SR-CBOE-86-15, NYSE-86-20; PSE-86-15 and Phlx-86-21]

**Self-Regulatory Organizations Notice of Filing of Proposed Rule Changes by Chicago Board Options Exchange, Inc., New York Stock Exchange, Inc., Pacific Stock Exchange, Inc., Philadelphia Stock Exchange, Inc., Relating to Initial and Maintenance Listing Standards for Stock Options**

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 25, 9, 21, and 7, respectively, the Chicago Board Options Exchange, Inc. ("CBOE"), The New York ("NYSE"), Pacific ("PSE"), and Philadelphia ("Phlx") Stock Exchanges filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organizations. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

**I. Self-Regulatory Organizations' Statement of the Terms of Substance of the Proposed Rule Changes**

The above referenced exchanges are proposing uniform amendments to their standards governing the selection and continuing eligibility of stocks underlying options trading. The details of the proposal are set forth below in Item 3.

**II. Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes**

In their filings with the Commission, the self-regulatory organizations included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments they received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organizations have prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

**A. Self-Regulatory Organizations' Statement of the Purpose of and Statutory Basis for, the Proposed Rule Changes**

The rules of the above referenced exchanges require that an underlying equity security meet certain minimum guidelines for options trading ("initial listing standards"), and certain maintenance standards ("maintenance criteria") in order for the underlying security to continue to be eligible for options trading. Both the initial listing standards and the maintenance criteria measure the quality of the particular issuer or the quality of the market for a particular security. The Exchanges recently agreed to propose uniform modifications (with one exception) to these standards,<sup>1</sup> as follows:

(a) Non-default: The Exchanges propose to delete from their rules the non-default criterion, which presently provides that an issuer and its significant subsidiaries may not have defaulted in the payment of any dividend or sinking fund installment on preferred stock, or in the payment of any principal, interest or sinking fund installment on any indebtedness for borrowed money, or in the payment of rentals under long term leases, during the preceding twelve months. Accordingly, under the proposed rule change, an underlying security would be eligible for options trading even though its issuer might be in default of payment of an indebtedness.

(b) Net Income: The Exchanges propose to delete from the initial listing standards the requirement that an issuer and its significant subsidiaries have an aggregate net income of at least \$1 million during the preceding eight quarters.

(c) Shareholders: The Exchanges propose to reduce the number of holders of an underlying security required for initial listing from 6,000 to 2,000. Similarly, the Exchanges propose to reduce the maintenance criteria for holders of an underlying security from 5,400 to 1,600. These modifications reflect in part the difficulty on the part of the Exchanges in ascertaining the number of beneficial holders of an underlying security, due to the practice

<sup>1</sup> On July 14, 1986, the CBOE submitted amendment No. 1 to its File No. SR-86-16 proposing additional amendments to its Rule 5.3(a)(1). The additions conform CBOE's original filing with that of the other options exchanges. In addition, by letter, dated August 22, 1986, the PSE submitted a minor amendment to its initial filing, conforming language in commentary to PSE Rule VI to that of the other exchange filings. See letter from Steve A. Wolf, Director, Compliance Department, PSE, to Eneida Rosa, Branch Chief, SEC.

of holding securities in "street" or nominee names.

(d) Market Price: The CBOE, NYSE, Phlx and PSE proposed that the initial listing standard regarding market price per share of the underlying security be lowered from \$10 each day during the three calendar months preceding its selection to \$7.50 for the majority of days during the same period. Similarly, the maintenance standard would be amended so that a security would continue to remain eligible for options trading unless its market price per share closed below \$5 during the majority of business days during a six month period. Currently the maintenance standard is set at \$8.

The NYSE proposal differs from that of the other options exchanges in that the NYSE would retain the \$10.00 criteria for initial listing of an underlying security, but would reduce the relevant time period from three calendar months to 30 business days preceding the date of selection. The NYSE believes that \$7.50 is "not the best price for an initial eligibility standard for options trading,"<sup>2</sup> and questions whether investors will find options on such low-priced stocks useful. The NYSE has indicated, however, that in the event the Commission concludes that the lower-priced standard is appropriate, the Exchange will lower its standards accordingly, due to competitive pressures.

The NYSE proposal also calls for a reduction in the maintenance standard relating to market price from \$8 to \$6 per share. The NYSE states in its filing that investors holding an option position on a stock with a rapid price decline need the flexibility to open new series, a flexibility lost if the option is being delisted.

(e) Definitions: The Exchanges propose to redefine the words "security" and "share" as they appear in the initial listing and maintenance rules, and to substitute the word "security" for the word "stock." These modifications are intended to permit a broad interpretation of the listing and maintenance rules so that options may be listed on suitable securities other than common stock.

The Exchanges intend to retain the requirement that an issuer be in compliance with all applicable requirements of the Securities Exchange Act of 1934 ("Act") as well as trading volume and float criteria. Issuers of underlying securities on which options are traded must, among other things, continue to comply with the

<sup>2</sup> See File No. SR-NYSE-86-20 at 10.

requirements of sections 13 and 14 of the Act concerning periodic and other reports and proxies.

The Exchanges believe that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to self-regulatory organizations by providing for an increase in the number of underlying securities available for options trading. In particular, the Exchanges believe that the proposed rule changes are consistent with section 6(b)(5) of the Act, which requires, in pertinent part, that the rules of an exchange be designed to promote just and equitable principles of trade and to protect the investing public.

#### *B. Self-Regulatory Organizations' Statement on Burden on Competition*

The Exchanges believe that the proposed rule change will not impose a burden on competition.

#### *C. Self-Regulatory Organizations' Statement on Comments on the Proposal Rule Changes Received from Members, Participants or Others*

No written comments were either solicited or received by the Exchanges.

#### **III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in

accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing also will be available for inspection and copying at the principal offices of the above-mentioned self-regulatory organizations. All submissions should refer to the file numbers in the caption above and should be submitted by October 8, 1986.

Dated: September 5, 1986.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,  
Secretary.

[FR Doc. 86-20997 Filed 9-16-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23607; File No. SR-DTC 86-07]

#### **Self-Regulatory Organizations Notice of Filing and Immediate Effectiveness of Proposed Rule Change by Depository Trust Company;**

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78(b)(1), notice is hereby given that on August 5, 1986, the Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change described below. The proposal modifies cut-off times for the processing of deliver orders and certain related services. The Commission is publishing notice to solicit comment on the rule change.

The proposal extends the cut-off times for delivery orders and reclamations for deposited securities of DTC Participants. Cut-off times for related services also will be adjusted. The cut-off times for the affected services are as follows:

##### *Service and Cut-Off Time*

- (a) Delivery Order Processing, 11:30 a.m. (E.S.T.)
- (b) Stock Loans, Stock Loans Returns, Syndicate Delivery Instrument 1:15 p.m.
- (c) Notification of a Syndicate Closing, 1:15 p.m.
- (d) Drop Recycles Terminate CNS Processing, 1:30 p.m.
- (e) Exclusive Reclaim-Only Period, 1:45 p.m.
- (f) Final Inter-Depository Transmissions, 2:00 p.m.
- (g) Online Preliminary Settlement

Statement & Drop Notification via PTS 2:30-2:45 p.m.

(h) Adjustments, 3:30 p.m.

For "high-dollar-value" syndicate closings, defined as those valued at \$100 million or more, the cut-off time for notification may be extended, in 15-minute increments, up until 1:45 p.m., (E.S.T.). All subsequent cut-off times, except for Adjustments, will also be extended for 15 or 30 minutes, corresponding to the length of the syndicate closing extension.

The cut-off times adjustment by DTC is part of a group standardization of cut-off times by the four registered securities depositories: DTC, Midwest Securities Trust Company, Pacific Securities Depository Trust Company and Philadelphia Depository Trust Company. The new cut-off times are tentatively scheduled to go into effect at the depositories on September 15, 1986. DTC anticipates that the standardized cut-off times will make the national clearance and settlement system more efficient for all depository members.

The rule change has become effective, pursuant to section 19(b)(3)(A) of the Act and Rule 19b-4. The Commission may summarily abrogate the rule change at any time within 60 days of its filing if it appears to the Commission that abrogation is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

You can submit written comment on or before October 8, 1986. Please file six copies of your comment with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, with accompanying exhibits, and all written comments, except for material that may be withheld from the public under 5 U.S.C. 552, are available at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC. Copies of the filing also will be available for inspection and copying at the principal office of DTC. All submissions should refer to File No. SR-DTC-86-07 and should be submitted by [October 8, 1986.]

Dated: September 10, 1986.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Jonathan G. Katz,  
Secretary.

[FR Doc. 86-20998 Filed 9-16-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23609; File Nos. SR-PSDTC-85-02; SR-PCC-85-02]

**Self-Regulatory Organizations; Order Withdrawing Proposed Rule Changes of Pacific Securities Depository Trust Co. and Pacific Clearing Corp.**

On January 21, 1985, Pacific Securities Depository Trust Company ("PSDTC") and Pacific Clearing Corporation ("PCC") filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), proposed rule changes that would establish certain procedures for unclaimed property held by PSDTC and PCC.

Notice of the proposed rule changes was published in Securities Exchange Act Release No. 21930 (50 FR 9530, March 8, 1985). No letters of comment were received by the Commission.

By letter dated August 26, 1986, PSDTC and PCC requested that the proposals be withdrawn. In response to this request, the Commission grants the withdrawal of the proposed rule changes.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule changes be, and hereby are, withdrawn.

Dated: September 10, 1986.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,  
Secretary.

[FR Doc. 86-20999 Filed 9-16-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23603; File No. SR-PSE-86-10]

**Self-Regulatory Organizations; Proposed Rule Change by the Pacific Stock Exchange, Inc., Relating to Market Participant Access to Order Book Depth and Size Below and Above the Best Bid and Offer on the Book**

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. § 78s(b)(1), notice is hereby given that on June 12, 1986, the Pacific Stock Exchange, Incorporated ("PSE" or the "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Pacific Stock Exchange Incorporated ("PSE" or the "Exchange"), proposes the following changes to its Rule VI, section 70 (.01), governing access to Order Book depth and size. (Brackets indicate language to be deleted; italic indicates new language.)

**RULE VI**

**Disclosure of Orders**

Sec. 70. [Except for the bids and offers that he displays or makes orally in accordance with section 69, no Order Book Official shall directly or indirectly disclose to any person, other than an official of the Exchange, any information in regard to the orders entrusted to him, unless, in his opinion and with the concurrence of an Options Floor Official, the interests of a fair and orderly market call for such disclosure.

**Commentary:**

.01 It shall not be deemed a violation of Section 70 for an Order Book Official to give a Floor Broker a reasonable indication of where his order stands in priority among the orders displayed pursuant to section 69.]

*Equal Access to Book Depth and Size. Upon request of a Member and so long as such request does not interfere with the operation of the Book, an OBO, or such other person designated by the Exchange, may disclose the price and number of contracts which are bid below or that are offered above the Book information displayed pursuant to Rule VI, Section 69. The OBO or such designated person shall not disclose such information until the requesting member discloses by open outcry to the trading crowd for what Member or Member Organization such request is being made. The Exchange may, in its discretion from time to time, establish the depth to which such information may be disclosed.*

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

**(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change**

The PSE notes that the proposed rule change will permit the same access to information that is provided for in the Chicago Board Options Exchange ("CBOE") Rules, approved by the Commission in October, 1985 (SR-CBOE-85-30, Release No. 34-22582). Unlike the CBOE provision, however, the PSE proposal would require the member seeking such information to "give up" to the trading crowd the name of the firm for whom such a request is being made. The PSE believes that though this is a requirement for the information seeker, it will encourage more market information to be made public and hence serve to enhance the knowledge of the market participants in making investment and market making decisions.

The proposed rule change is designed to provide additional information to crowd participants and/or their clients and customers in order to better handle large orders and facilitate a liquid market place. The Exchange expects that market participants will be most interested in the Order Book size and price information nearest to the present bid or offer, but realizes that price and aggregate size of Booked orders further from the current Order Book quotes may also prove useful to market participants. However, because the benefits of disclosing such information must be weighted against the difficulties of disclosing such information, particularly in situations such as fast markets, or, by the possibility that such information could be somehow misused, the exchange will have the authority to limit crowd access to the Order Book.

The PSE believes that this rule filing is consistent with section 6(b)(5) of the Securities Exchange Act of 1934 (the "Act") in that it will facilitate transactions in securities and remove impediments to the mechanism of a free and open market.

**(B) Self-Regulatory Organization's Statement on Burden on Competition**

The Exchange does not believe that the proposed rule change imposes a burden on competition.

**(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others**

Written comments on the proposed rule change were neither solicited nor received.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of the publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by October 8, 1986.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 9, 1986.

Jonathan G. Katz,  
Secretary.

[FR Doc. 86-21000 Filed 9-16-86; 8:45 am]

BILLING CODE 8010-01

[Release No. 34-23598; File No. SR-PSE-86-17]

### Self-Regulatory Organizations; Order Granting Accelerated Approval of Proposed Rule Change by Pacific Stock Exchange, Inc.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given

that on July 23, 1986. The Pacific Stock Exchange Incorporated ("PSE" or the "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Pacific Stock Exchange Incorporated ("PSE" or "Exchange") proposes to extend the stock options pilot program for an additional six months. The pilot provides for four expiration months to be listed at all times, with two near-term expiration months.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

##### (A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In Release No. 22099 (dated May 31, 1985) the Securities and Exchange Commission approved Rule Filing SR-PSE-85-09, which created a one year pilot program for the consecutive month expiration cycle. The pilot, which was applied to January cycle options, was structured to provide two near-term expiration months at all times, while not exceeding four expiration months at any time.

The purpose of the pilot was to determine whether the new cycle would increase investor interest in the equity options. After evaluating the operation of the pilot over the past year, the Exchange has concluded that the cycle was a positive development and should be continued.

Therefore, the Exchange now proposes to extend the pilot for an additional six months, and intends to add eleven more January cycle stock options to the pilot on the first business day following the July expiration. Staff

is evaluating whether February or March cycle options will be added to the pilot at a subsequent date, but no decision has been reached.

The Exchange intends to add the January cycle options as follows: After July expiration, September and April series will be added to the October and January series already outstanding.

The proposed rule change is consistent with the requirements of section 6(b)(5) of the Securities Exchange Act of 1934, in that it will facilitate transactions in securities, and permit the Exchange to provide investors with a more complete range of options series.

##### (B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change imposes no burden on competition.

##### (C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were neither solicited nor received.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the 1934 Act because the rule change is substantively identical to proposed rule changes previously filed by the American ("Amex") and Philadelphia Stock ("Phlx") Exchanges, and the Chicago Board Options Exchange ("CBOE") and approved by the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof because the proposed rule change will allow the PSE to keep in place a program that the Exchange has found, on balance, to be successful. The proposal also is substantively identical to proposals previously filed by the Amex, CBOE and Phlx and approved by the Commission.<sup>1</sup>

<sup>1</sup> See Securities Exchange Act Release No. 23461, July 23, 1986, 51 FR 27296, July 30, 1986, extending

The Commission received one adverse comment regarding the extension of the pilot by Amex.<sup>2</sup> The Commission believes, however, that the concerns raised by the comment were adequately addressed in the order approving the Amex, CBOE and Phlx proposals. The exchanges have represented that their memberships are generally supportive of the pilot and do not believe that the pilot should be interrupted at this time. Finally, accelerated approval of the proposal will enable the Exchange to continue the pilot without interruption for another six months, during which time it may decide whether to request permanent approval of the program.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of PSE. All submissions should refer to the file number in the caption above and should be submitted by October 8, 1986.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority

Dated: September 5, 1986.

Jonathan G. Katz,  
Secretary.

[FR Doc. 86-21001 Filed 9-16-86; 8:45 am]

BILLING CODE 8010-01-M

the Amex, CBOE and Phlx near term expiration month pilots through the December 1986, expiration. The original pilot ran through the June 1986 expiration.

<sup>2</sup> See letter from Harrison Roth, Drexel Burnham Lambert, Inc., to Brandon Becker, Assistant Director, Division of Market Regulation, dated July 14, 1986.

#### Self-Regulatory Organizations; Applications of Philadelphia Stock Exchange, Inc., for Unlisted Trading Privileges and of Opportunity for Hearing

September 10, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities and Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stock:

Manor Car, Inc.

Common Stock, \$0.10 Par Value (File No. 7-9188)

This security is listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before October 1, 1986 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,  
Secretary.

[FR Doc. 86-21002 Filed 9-16-86; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-15300]

#### Order Granting Application of The Dow Chemical Company

The Dow Chemical Company (the "Applicant") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for an order that the trusteeship of Citibank, N.A. ("Citibank") under nine existing indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank from acting as trustee under any of such indentures.

Notice of the filing of said application was set forth in the Notice of

Application and Opportunity for Hearing dated August 19, 1986.

It appears to the Commission that trusteeship of Citibank under such indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank from acting as trustee under any of such indentures.

Notice of filing of said application having been duly given, Applicant having waived hearing thereon, the Commission not having received a request for a hearing within the period specified in the Notice of Application and Opportunity for Hearing, and a hearing not appearing necessary or appropriate in the public interest or for the protection of investors;

It Is Ordered that the application of The Dow Chemical Company be, and the same is, hereby granted.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Jonathan G. Katz,  
Secretary.

[FR Doc. 86-21003 Filed 9-16-86; 8:45 am]

BILLING CODE 8010-01-M

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

#### Draft Change 1, Advisory Circular 27-1, Certification of Normal Category Rotorcraft, and Draft Change 3, Advisory Circular 29-2, Certification of Transport Category Rotorcraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Availability of draft advisory circular (AC) changes and notice of meeting.

SUMMARY: This notice announces the availability of and request for comments on Draft Change 1, AC 27-1, Certification of Normal Category Rotorcraft, and Draft Change 3, AC 29-2, Certification of Transport Category Rotorcraft. The draft changes contain guidance material for demonstrating compliance with Parts 27 and 29 of the Federal Aviation Regulations (FAR). The Southwest Region Rotorcraft Directorate is sponsoring a public meeting to discuss the draft changes.

DATES: Comments must identify Draft Change 1, AC 27-1, or Draft Change 3, AC 29-2, and comments must be received on or before April 15, 1987.

The public meeting will be held February 25, 1987, beginning at 8:30 a.m.

**ADDRESSES:** The meeting will be held in the Training Room (Room 167), Building 3B, FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas.

Comments may be mailed to FAA, Rotorcraft Standards Staff, ASW-110, Aircraft Certification Division, P.O. Box 1689, Fort Worth, Texas 76101.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Swihart, Rotorcraft Standards Staff, ASW-110, Aircraft Certification Division, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-5120.

**SUPPLEMENTARY INFORMATION:** Copies of these draft changes have been mailed to all known affected industry and government entities, both foreign and domestic. Any interested person not receiving a copy of Draft Change 1, AC 27-1, or Draft Change 3, AC 29-2, should contact the person named under **FOR FURTHER INFORMATION CONTACT**.

Interested persons are invited to submit comments on these draft changes. Comments received may be inspected at the office of the Rotorcraft Standards Staff, Room 143N, Building 3B, 4400 Blue Mound Road, Fort Worth, Texas, between 8 a.m. and 4 p.m., weekdays, except Federal holidays.

The public meeting to discuss Draft Change 1, AC 27-1, and Draft Change 3, AC 29-2 (February 25, 1987), will conclude a 2-day public meeting beginning February 24, 1987. A notice of proposed rulemaking on helicopter

instrument flight, announced in the **Federal Register** on June 12, 1986 (51 FR 21488), will be discussed on February 24, 1987.

Issued in Fort Worth, Texas, on September 4, 1986.

C.R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 86-20919 Filed 9-16-86; 8:45 am]

BILLING CODE 4910-13-M

#### [Summary Notice No. PE-86-16]

#### Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petitions for exemption received and of dispositions of prior petitions.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's

regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATE:** Comments on petitions received must identify the petition docket number involved and must be received on or before: October 13, 1986.

**ADDRESS:** Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. \_\_\_\_\_, 800 Independence Avenue, SW., Washington, DC 20591.

**FOR FURTHER INFORMATION:** The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on September 10, 1986.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

#### PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
25055	Officine Aeronavali Venezia, s.p.a.	14 CFR 145.73(a)	To allow petitioner to perform modifications converting U.S.-registered McDonnell Douglas passenger DC-8 aircraft to all-cargo aircraft, without complying with the requirements for a foreign repair station to work only on U.S.-registered aircraft used in operations conducted wholly or partly outside of the United States.
25052	TEMSCO Helicopters, Inc.	14 CFR 135.203(a)(1)	To allow petitioner and specified air taxi firms indicated by petitioner to conduct overwater flights below 500 feet above the surface with certain conditions and limitations.
17145	United Airlines	14 CFR 121.665 and 121.697 (a) and (b)	Extension of Exemption No. 2466 to allow petitioner to use computerized load manifests which bear the printed name and position of the person responsible for loading the aircraft.
24218	Pan American World Airways	14 CFR Part 121, Appendix H	Extension of Exemption No. 4291 to allow petitioner to conduct Phase IIA training and checking utilizing a Phase I simulator.
24705	Air New Zealand	14 CFR 63.39(a)	To allow Mr. K.J. Kennedy to operate as a flight engineer with Air New Zealand without fulfilling the requirement under § 63.35(d) to pass a practical flight test.
22441	United Airlines	14 CFR 121.433(c)(1)(iii), 121.441 (a)(1) and (b)(1), and Part 121, Appendix F	Extension of Exemption No. 3451 to allow petitioner to conduct a Federal Aviation Administration (FAA)-monitored program under which petitioner's pilots in command, second in command, and flight engineers meet annual ground and flight recurrent training and proficiency check requirements, subject to certain conditions and limitations.
25053	Crew Pilot Training	14 CFR 61.63(d) (2) and (3) and 61.157(d)(1)	To allow petitioner to operate a DC-9 FAA-approved flight training school by utilizing FAA-flight simulators for a portion of the training and flight check without petitioner holding a Part 121 certificate.
25080	Douglas Aircraft Co.	14 CFR 21.197	To allow petitioner to conduct crew training on an aircraft operating under a special flight permit.
25064	America West, Inc.	14 CFR 43.3 and 43.7	To allow petitioner to install on its four Boeing 727 leased aircraft certain components provided by Orion Airways, Ltd., of the United Kingdom.
25031	CFM International	14 CFR 145.71 and 145.73	To allow petitioner to utilize SNECMA and its divisions and original equipment manufacturers to repair petitioner's 56 engines and their components for U.S. air carriers operating in the United States.
25067	FlightSafety International	14 CFR 61.2	To allow foreign nationals who already possess U.S. pilot certificates to receive add-on ratings and recertification training at training centers operated by petitioner outside the United States.
011NM	Boeing Commercial Airplane Co.	14 CFR 25.785(h)	To permit the installation of one required flight attendant seat in the Mid-Cabin cross aisle area between the two non-floor level type III overwing exits in a Model 767-300 airplane.

## PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
24194	United Airlines	14 CFR 43.3 and 43.7	Extension of Exemption No. 4127 to allow the petitioner to acquire aircraft parts from Canadian Pacific Airlines, Ltd., which have not been maintained or approved for return to service by persons prescribed by §§ 43.3 and 43.7 for installation on petitioner's aircraft when located other than in Canada. <i>Granted 8/29/86.</i>

## DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
23938	Flying Tigers	14 CFR 121.583(a)(8)	To allow petitioner to carry dependents of its employees without compliance § 121.538(a)(8), subject to specific conditions and limitations. To allow dependents to occupy the flight-deck double seat located forward of the station 370 bulkhead. <i>Granted 8/29/86.</i>
24605	World Jet Corp	14 CFR 91.191(a)(4 and 135.165(b))	To allow petitioner to operate certain aircraft in extended overwater operations using one Omega long-range navigation system and one high-frequency communication system. <i>Granted 8/28/86.</i>
24983	Lowa LTD	14 CFR 61.58(c)	To allow petitioner's pilots to complete the entire 24-month pilot-in-command check in a Federal Aviation Administration (FAA)-approved simulator, provided that the pilot taking the flight check has completed at least three takeoffs and three landings within the preceding 90 days in a Boeing 707. <i>Granted 8/26/86.</i>
24186-1	Arrow Air	14 CFR 91.303	To allow petitioner to operate 4 DC-8 aircraft, which do not meet the noise limits, until hush kits are installed. <i>Amended granted 8/26/86.</i>

[FR Doc. 86-20918 Filed 9-16-86; 8:45 am]  
BILLING CODE 4910-13-M

## DEPARTMENT OF THE TREASURY

## Bureau of Alcohol, Tobacco and Firearms

[Notice No. 604; Ref. ATF O 1100.87B]

**Delegation Order; Associate Director (Compliance Operations); Authorities of the Director in 27 CFR Part 22, Distribution and Use of Tax-Free Alcohol**

1. *Purpose.* This order delegates certain authorities of the Director to the Associate Director (Compliance Operations) and permits redelegation to other Compliance Operations personnel.

2. *Cancellation.* ATF O 1100.87A, Delegation Order—Delegation to the Associate Director (Compliance Operations) of Authorities of the Director in 27 CFR Part 213, Tax-Free Alcohol, dated April 5, 1984, is canceled.

3. *Background.* Under current regulations, the Director has authority to take final action on matters relating to the distribution and use of tax-free alcohol. We have determined that certain of these authorities should, in the interest of efficiency, be delegated to a lower organizational level.

4. *Delegations.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 221, dated June 6, 1972, and by 26 CFR 301.7701-9, authority to take final action on the following matters is delegated to the Associate Director (Compliance Operations):

a. To prescribe all forms required by regulations, under 27 CFR 22.21(a).

b. To approve, pursuant to written applications, alternate methods or procedures (including alternate construction or equipment), in lieu of methods or procedures specifically prescribed in regulations, under 27 CFR 22.22(a).

c. To withdraw approval of any alternate method or procedure whenever the revenue is jeopardized or the effective administration of the regulations is hindered, under 27 CFR 22.22(c).

d. To issue permits, pursuant to 27 CFR 22.172, to cover the withdrawal of tax-free spirits by the United States or a governmental agency, under 27 CFR 22.24(a).

e. To approve applications and grant permits on ATF Form 5150.33, Spirits for Use of the United States, for the procurement of tax-free spirits for nonbeverage purposes by the United States or any governmental agency, under 27 CFR 22.172(b).

f. To cancel permits issued under 27 CFR 22.175.

g. To authorize the disposition of excess tax-free spirits in the possession of a governmental agency, under 27 CFR 22.176.

**5. Redelegation.**

a. The authorities in paragraphs 4a and 4c above may be redelegated to personnel in Bureau Headquarters not lower than the position of branch chief.

b. The authorities in paragraphs 4b and 4d through 4g above may be redelegated to personnel in Bureau Headquarters not lower than the position of ATF specialist.

c. The authority in paragraph 4b above may be redelegated to regional directors (compliance) to approve, without submission to Bureau Headquarters, subsequent applications for alternate methods or procedures which are identical to those previously approved by Bureau Headquarters. Regional directors (compliance) may redelegate this authority to personnel not lower than the position of technical section supervisor.

d. The authority in paragraph 4c above may be redelegated to regional directors (compliance) to withdraw approval of alternate methods or procedures which were approved at the regional level. Regional directors (compliance) may redelegate this authority to personnel not lower than the position of chief, technical services.

e. The authority in paragraph 4g above may be redelegated to regional directors (compliance), who may redelegate this authority to personnel not lower than the position of technical section supervisor or area supervisor.

7. *For Information Contact.* Mary B. Lerch, Procedures Branch, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 (202) 566-7602.

8. *Effective Date.* This delegation order becomes effective on September 17, 1986.

Approved: September 10, 1986.

Stephen E. Higgins,

Director.

[FR Doc. 86-20885 Filed 9-16-86; 8:45 am]

BILLING CODE 4810-13-M

**VETERANS' ADMINISTRATION****Agency Form Under OMB Review****AGENCY:** Veterans' Administration.**ACTION:** Notice.

The Veterans' Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains an extension and lists the following information: (1) The department or staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) how often the form must be filled out, (5) who will be required or asked to report, (6) an estimate of the number of responses, (7) an estimate of

the total number of hours needed to fill out the form, and (8) an indication of whether section 3504(h) of Pub. L. 96-511 applies.

**ADDRESSES:** Copies of the form and supporting documents may be obtained from Jill Cottine, Agency Clearance Officer (732), Veterans' Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 389-2148. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Jose Lackey, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503, (202) 395-7316.

**DATES:** Comments on the information collection should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: September 11, 1986.

By direction of the Administrator.

**David A. Cox,***Associate Deputy Administrator for Management.***Extension**

1. Department of Medicine and Surgery
2. Authority and Invoice for Travel by Ambulance or Other Hired Vehicle
3. VA Form 10-2511
4. On occasion
5. Individuals or households; Businesses or other for-profit; and Small businesses or organizations
6. 122,500 responses
7. 4,900 hours
8. Not applicable.

[FR Doc. 86-21012 Filed 9-16-86; 8:45 am]

BILLING CODE 8320-01-M

# Sunshine Act Meetings

Federal Register

Vol. 51, No. 180

Wednesday, September 17, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## CONTENTS

	Item
Federal Deposit Insurance Corporation .....	1
Federal Mine Safety and Health Review Commission .....	2
Nuclear Regulatory Commission .....	3

### 1

#### FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:30 p.m., on Thursday, September 11, 1986, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to:

(A)(1) receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Central Bank and Trust of Tulsa, Oklahoma, which was closed by the Bank Commissioner for the State of Oklahoma on Wednesday, September 10, 1986; (2) accept the bid for the transaction submitted by the F & M Bank and Trust Company, Tulsa, Oklahoma, an insured State nonmember bank; (3) approve the application of The F & M Bank and Trust Company, Tulsa, Oklahoma, for consent to purchase certain assets of and assume the liability to pay deposits made in Central Bank and Trust of Tulsa, Tulsa, Oklahoma, and for consent to establish the two offices of Central Bank and Trust of Tulsa as branches of The F & M Bank and Trust Company; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction; and

(B) approve the application of Sherman County Bank, Loup City, Nebraska, for consent to purchase certain assets of and assume the liability to pay deposits made in Cotesfield Credit Union, Cotesfield, Nebraska, a non-FDIC-insured institution, and for consent to establish the sole office of Cotesfield Credit Union as a branch of Sherman County Bank.

In calling the meeting, the Board determined, on motion of Chairman L. William Seidman, seconded by Mr.

Dean S. Marriott, acting in the place and stead of Director Robert L. Clarke (Controller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public, that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: September 12, 1986.

Federal Deposit Insurance Corporation.

Janet M. Reddish,

Assistant Executive Secretary.

[FR Doc. 86-21090 Filed 9-15-86; 11:11 am]

BILLING CODE 6714-01-M

### 2

#### FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

September 12, 1986.

**TIME AND DATE:** 10:00 a.m., Thursday, September 25, 1986.

**PLACE:** Room 600, 1730 K Street, NW., Washington, DC.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will consider and act upon the following:

1. Secretary of Labor, MSHA v. Brown Brothers Sand Company, Docket No. SE 86-12-M. (Issues include the consideration of Brown Brothers' petition for discretionary review.)

Any person intending to attend this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 20 CFR 2706.150(a)(3) and 2706.160(e).

**CONTACT PERSON FOR MORE INFO:** Jean Ellen, (202) 653-5629.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 86-21095 Filed 9-15-86; 11:41 am]

BILLING CODE 6735-01-M

### 3

#### NUCLEAR REGULATORY COMMISSION

**DATE:** Weeks of September 15, 22, 29 and October 6, 1986.

**PLACE:** Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

**STATUS:** Open and Closed.

#### MATTERS TO BE CONSIDERED:

##### Week of September 15

Thursday, September 18

2:00 p.m.

Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 and 6)

3:30 p.m.

Affirmation/Discussion and Vote (Public Meeting)

a. Comanche Peak Construction Permit Extension (*postponed* from September 11) (Tentative)

b. Shoreham Intervenor's Motion to Reconsider CLI-86-11 (*postponed* from September 11) (Tentative)

c. Petitions for Review of ALAB-832 (Shoreham) (Tentative)

Friday, September 19

10:30 a.m.

Briefing by General Electric Company on Advanced Boiling Water Reactor (Public Meeting)

##### Week of September 22

Tentative

Thursday, September 25

3:30 p.m.

Affirmation Meeting (Public Meeting) (if needed)

##### Week of September 29

Tentative

Thursday, October 2

3:30 p.m.

Affirmation Meeting (Public Meeting) (if needed)

##### Week of October 6

Tentative

Thursday, October 9

9:30 a.m.

Briefing on Advanced Reactor Designs (Public Meeting) (Tentative)

3:30 p.m.

Affirmation Meeting (Public Meeting) (if needed)

**ADDITIONAL INFORMATION:** Affirmation of "Request for Stay and Review of Appeal Board Decision in Shearon Harris Proceeding" (Public Meeting) was held on September 11.

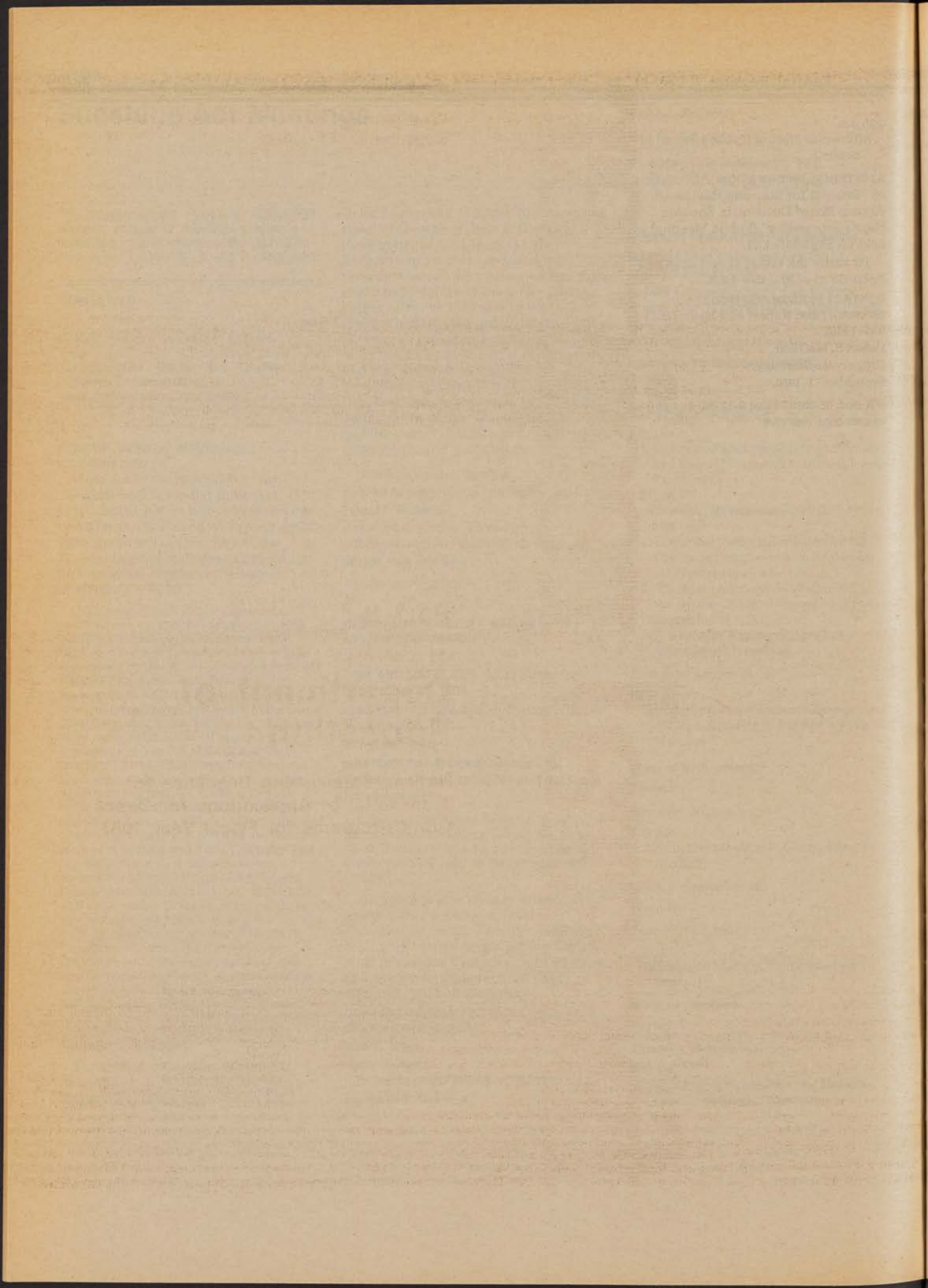
To verify the status of meetings call (recording)—(202) 634-1498.

**CONTACT PERSON FOR MORE INFORMATION:** Robert McOsker, (202) 634-1410.

Robert B. McOsker,  
*Office of the Secretary.*  
September 11, 1986.

[FR Doc. 86-21057 Filed 9-12-86; 4:44 pm]

BILLING CODE 7590-01-M



# State Report

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Wednesday  
September 17, 1986

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## Part II

### Department of Education

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Notices Establishing Deadlines for  
Transmittal of Applications for Direct  
Grant Programs for Fiscal Year 1987

## DEPARTMENT OF EDUCATION

**Notice Inviting Applications for New Awards Under the Bilingual Education: Special Populations Program for Fiscal Year 1987 (CFDA No. 84.003L)**

*Purpose:* Provides awards to eligible applicants to establish, operate, or improve preparatory or supplemental preschool, special education, and gifted and talented programs for limited English proficient children.

*Deadline for transmittal of applications:* November 17, 1986.

*Deadline for intergovernmental review comments:* January 16, 1987.

*Priorities:* The Secretary will give a competitive preference, in accordance with 34 CFR 75.105(c)(2)(ii), to projects for preschool children or for LEP children who by reason of outstanding abilities are capable of high performance as stated in 34 CFR 526.10 and 526.30.

*Applications available:* September 30, 1986.

*Available funds:* The President's budget request for fiscal year 1987 includes approximately \$2,500,000 for new awards in this program. The Congress has not yet completed action on the 1987 appropriation. The estimates below assume passage of the President's Budget.

*Estimated range of awards:* \$25,000–\$200,000.

*Estimated number of awards:* 20.

*Project period:* 12 to 36 months.

*Applicable regulations:* (a) The Bilingual Education: Special Populations Program Regulations, 34 CFR Part 526, and

(b) The Education Department, General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

*Note.*—Part 526 was published in the Federal Register on June 19, 1986, at 51 FR 22422).

*Additional factors:* In accordance with 34 CFR 526.31(b), the Secretary—in evaluating applications under the published criteria—distributes an additional 15 points among the factors listed in § 525.32(a) as follows: (1) Historically underserved (4 points); (2) Geographic distribution (4 points); (3) Need (4 points); (4) Relative number and proportion of children from low-income families (3 points).

*For applications or information contact:* Barbara Wells, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue SW. (Room 421, Reporters Building),

Washington, DC 20202. Telephone (202) 732-1840.

*Program authority:* 20 U.S.C. 3231(a)(6).

*Dated:* September 11, 1986.

William J. Bennett,  
*Secretary of Education.*

[FR Doc. 86-20963 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

**Notice Inviting Applications for New Awards Under the Bilingual Education: Program for the Development of Instructional Materials for Fiscal Year 1987 (CFDA No. 84.003N)**

*Purpose:* Provides awards to eligible applicants to establish, operate, and improve programs to develop instructional materials in languages for which materials are commercially unavailable.

*Deadline for transmittal of applications:* November 17, 1986.

*Deadline for intergovernmental review comments:* January 16, 1987.

*Applications available:* September 30, 1986.

*Available funds:* The President's budget request for fiscal year 1987 includes \$250,000 for new awards in this program. The Congress has not yet completed action on the 1987 appropriation. The estimates below assume passage of the President's Budget.

*Estimated range of awards:* \$50,000–\$200,000.

*Estimated number of awards:* 2.

*Project period:* 12 months.

*Applicable regulations:* (a) The Bilingual Education: Program for the Development of Instructional Materials Regulations, 34 CFR Part 537, and (b) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79. (Note.—Part 537 was published in the Federal Register on June 19, 1986, at 51 FR 22422).

*Additional factors:* In accordance with 34 CFR 537.30(b), the Secretary—in evaluating applications under the published criteria—distributes an additional 15 points among the factors listed in § 525.32(a) as follows: (1) Historically underserved (4 points); (2) Geographic distribution (4 points); (3) Need (4 points); (4) Relative number and proportion of children from low-income families (3 points).

*For applications or information contact:* Barbara Wells, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue SW. (Room 421, Reporters Building),

Washington, DC 20202. Telephone: (202) 732-1840.

*Program authority:* 20 U.S.C. 3231(a)(7).

*Dated:* September 11, 1986.

William J. Bennett,  
*Secretary of Education.*

[FR Doc. 86-20964 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

**Notice Inviting Applications for New Awards Under the Bilingual Education: Short-Term Training Program for Fiscal Year 1987 (CFDA No. 84.003V)**

*Purpose:* Provides awards to eligible applicants to improve the skills of educational personnel and parents participating in programs for limited English proficient persons.

*Deadline for transmittal of applications:* November 17, 1986.

*Deadline for intergovernmental review comments:* January 16, 1987.

*Applications available:* September 30, 1986.

*Priorities:* The Secretary will give a competitive preference, in accordance with 34 CFR 75.105(c)(2)(ii), to projects which provide training to educational personnel as stated in 34 CFR 574.10 and 574.30.

*Available funds:* The President's budget request for fiscal year 1987 includes approximately \$2,100,000 for new awards under this program. The Congress has not yet completed action on the 1987 appropriation. The estimates below assume passage of the President's Budget.

*Estimated range of awards:* \$30,000–\$175,000.

*Estimated number of awards:* 19.

*Project period:* 12 to 24 months.

*Applicable regulations:* (a) The Bilingual Education: Short-Term Training Program Regulations, 34 CFR Part 574, and (b) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79. (Note.—Part 574 was published in the Federal Register on June 19, 1986, at 51 FR 22422).

*Additional factors:* In accordance with 34 CFR 574.31(b), the Secretary—in evaluating applications under the published criteria—distributes an additional 10 points among the factors listed in § 574.33(a) as follows: (1) Evidence of prior participant's success in projects previously funded (5 points); (2) Evidence of demonstrated capacity and cost effectiveness (5 points).

*For applications or information contact:* Arva Johnson, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of

Education, 400 Maryland Avenue, SW.  
(Room 421, Reporters Building),  
Washington, DC 20202. Telephone: (202)  
732-1766.

Program authority: 20 U.S.C.  
3251(a)(4).

Dated: September 11, 1986.

William J. Bennett,  
Secretary of Education.

[FR Doc. 86-20965 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

**Notice Inviting Applications for New Awards Under the Bilingual Education: Training Development and Improvement Program for Fiscal Year 1987 (CFDA No. 84.0032)**

*Purpose:* Provides awards to institutions of higher education to encourage reform, innovation, and improvement in higher education programs related to programs for limited English proficient persons.

*Deadline for transmittal of applications:* November 17, 1986.

*Deadline for intergovernmental review comments:* January 16, 1987.

*Application available:* September 30, 1986.

*Available funds:* The President's budget request for fiscal year 1987 includes approximately \$200,000 for new awards under this program. The Congress has not yet completed action on the 1987 appropriation. The estimates below assume passage of the President's Budget.

*Estimated average size of awards:* \$100,000 per year.

*Estimated number of awards:* 2.

*Project period:* 12 to 36 months.

*Applicable regulations:* (a) The Bilingual Education: Training Development and Improvement Program Regulations, 34 CFR Part 573, and (b) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79. (Note.—Part 573 was published in the *Federal Register* on June 19, 1986, at 51 FR 22422.)

*For applications or information contact:* Cindy Ryan, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue SW. (Room 421, Reporters Building), Washington, DC 20202. Telephone: (202) 245-2595.

Program authority: 20 U.S.C.  
3251(a)(3).

Dated: September 10, 1986.

Carol Pendás Whitten,  
Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 86-20966 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

**Notice Inviting Applications for New Awards Under the Programs of Transitional Bilingual Education for Fiscal Year 1987 (CFDA No. 84.003A)**

*Purpose:* Provides grants to local educational agencies (LEAs) and institutions of higher education applying jointly with one or more LEAs to establish, operate, and improve programs of transitional bilingual education.

*Deadline for transmittal of applications:* December 1, 1986.

*Deadline for intergovernmental review comments:* February 2, 1987.

*Applications available:* September 30, 1986.

*Available funds:* The President's Budget for fiscal year 1987 includes approximately \$4,000,000 for new awards under this program. The Congress has not yet completed action on the 1987 appropriation. The estimates below assume passage of the President's Budget.

*Estimated range of awards:* \$40,000–\$500,000.

*Estimated number of awards:* 22.

*Project period:* 36 months.

*Applicable regulations:* (a) The Programs of Transitional Bilingual Education Regulations, 34 CFR Part 501, and (b) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79. (Note.—Part 501 was published in the *Federal Register* on June 19, 1986, at 51 FR 22422).

*Additional factors:* In accordance with 34 CFR 501.32(b), the Secretary—in evaluating applications under the published criteria—distributes an additional 15 points among the factors listed in § 501.32(a) as follows: (1) Historically underserved (4 points); (2) Relative need (4 points); (3) Geographic distribution (3 points); (4) Relative number and proportion of children from low-income families (4 points).

*For applications or information contact:* William A. Wooten, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 42, Reporters Building), Washington, DC 20202. Telephone: (202) 245-2600.

Program authority: 20 U.S.C.  
3231(a)(1).

Dated: September 11, 1986.

William J. Bennett,  
Secretary of Education.

[FR Doc. 86-20967 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

**Notice Inviting Applications for New Awards Under the Bilingual Education: Educational Personnel Training Program for Fiscal Year 1987 (CFDA No. 84.003R)**

*Purpose:* Provides awards to institutions of higher education to meet the needs for additional or better trained educational personnel for programs for limited English proficient persons.

*Deadline for transmittal of applications:* December 1, 1986.

*Deadline for intergovernmental review comments:* February 2, 1987.

*Applications available:* September 30, 1986.

*Available funds:* The President's budget request for fiscal year 1987 includes approximately \$7,286,000 for new awards under this program. The Congress has not yet completed action on the 1987 appropriation. The estimates below assume passage of the President's Budget.

*Estimated range of awards:* \$40,000–\$220,000.

*Estimated number of awards:* 66.

*Project period:* 36 months.

*Applicable regulations:* (a) The Bilingual Education: Educational Personnel Training Program Regulations, 34 CFR Part 561, and (b) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79. (Note.—Part 561 was published in the *Federal Register* on June 19, 1986, at 51 FR 22422).

*Additional factors:* In accordance with 34 CFR 561.32(b), the Secretary—in evaluating applications under the published criteria—distributes an additional 10 points among the factors listed in § 561.32(a) as follows: (1) Job placement and development (4 points); (2) Evidence of prior participant's success in projects previously funded (2 points); (3) Evidence of demonstrated capacity and cost effectiveness (4 points).

*For applications or information contact:* Ray Chavez, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 421, Reporters Building), Washington, DC 20202. Telephone: (202) 245-2595.

Program authority: 20 U.S.C.  
3251(a)(1).

Dated: September 11, 1986.

William J. Bennett,  
Secretary of Education.

[FR Doc. 86-20968 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

**Notice Inviting Applications for New Developer Demonstrator Awards Under the National Diffusion Network Program for Fiscal Year 1987 (CFDA No. 84.073A)**

**Purpose:** Provides grants for the nationwide dissemination of exemplary educational programs that have been approved by the Department of Education's Joint Dissemination Review Panel.

**Priorities:** Absolute priorities. Taking into account unmet national needs, the Secretary has selected absolute priorities for this competition from the list of priorities in § 796.15. (See Final Regulations for the National Diffusion Network published in the *Federal Register* on August 14, 1986 (51 FR 29190). Projects are selected for funding by a separate competition in each priority area. Only applications for projects in these priority areas will be considered. The Secretary seeks applications for projects in the following priority areas:

1. English, including literature.
  2. Science.
  3. History, geography and civics, including special history programs in conjunction with the bicentennial of the Constitution of the United States.
  4. Mathematics.
  5. Reading for the secondary level.
- The Secretary also invites applications for projects that use phonics methods to teach reading at any instructional level. However, these applications will not receive a competitive advantage over other applications in this priority.
6. Written communications.
  7. Health, including drug abuse prevention programs.
  8. Ethics.
  9. The humanities.
  10. Programs that assist in improving school discipline and that foster an atmosphere conducive to learning.
  11. Foreign languages.
  12. Programs that improve students' skills in comprehension, analysis, and problem solving, including programs in philosophy.
  13. Programs that improve teaching and the quality of instruction.
  14. Educational leadership.
  15. Early childhood and elementary school instructional levels.
  16. Gifted and talented students.
  17. Socioeconomically disadvantaged students.

However, this listing of priorities does not bind the Department of Education to a specific number of projects in each priority, or to selecting projects for funding in every priority.

**Invitational Priority.** The Secretary particularly invites applications for

projects that have not been funded previously under the National Diffusion Network. However, these applications will not receive a competitive advantage over other applications.

**Deadline for transmittal of applications:** October 31, 1986.

**Deadline for intergovernmental review comments:** December 30, 1986.

**Applications available:** September 19, 1986.

**Estimated available funds:** \$890,000.

The Department has requested funding for this program for fiscal year 1987. However, the level of funding is contingent upon final congressional action.

**Estimated range of awards:** \$40,000 to \$75,000.

**Estimated average size of awards:** \$52,000.

**Estimated number of awards:** 17.

**Project period:** The Secretary expects to make awards for project periods of up to 48 months.

**Applicable regulations:** (a) The National Diffusion Network Program Regulations, 34 CFR Part 796. Final regulations amending the program regulations for the National Diffusion Network were published in the *Federal Register* on August 14, 1986 (51 FR 29190), and

(b) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

**For applications or information contact:** Mrs. Anne Barnes, U.S. Department of Education, Recognition Division, 555 New Jersey Avenue, NW., Room 510, Washington, DC 20208. Telephone: (202) 357-6157.

**Program authority:** 20 U.S.C. 3851.

**Dated:** September 12, 1986.

**Chester E. Finn, Jr.,**

*Assistant Secretary and Counselor to the Secretary.*

[FR Doc. 86-20969 Filed 9-16-86; 8:45 am]

**BILLING CODE 4000-01-M**

**Notice Inviting Applications for New Awards Under the Library Services and Construction Act Basic Grants to Indian Tribes and Hawaiian Natives Program for Fiscal Year 1987 (CFDA No. 84.163A)**

**Purpose:** Provides grants to eligible Indian tribes and to eligible Hawaiian native organizations to establish or improve public library services for Indian tribes and Hawaiian natives.

**Deadline for transmittal of applications:** November 14, 1986.

**Deadline for intergovernmental review comments:** January 14, 1987.

**Applications available:** September 29, 1986.

**Available funds:** The Administration's budget request for fiscal year 1987 does not include funds for this program. However, applications are being invited to allow sufficient time to evaluate applications and complete the grant process before the end of the fiscal year, should the Congress appropriate funds for this program.

**Estimated average size of awards:** \$3,300.

**Estimated number of awards:** 200.

**Project period:** 12 months.

**Applicable regulations:** (a) The Library Services and Construction Act Basic Grants to Indian Tribes and Hawaiian Natives Program Regulations, 34 CFR Part 771, and (b) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

**For applications or information contact:** Frank A. Stevens, Director, Library Development Staff, U.S. Department of Education, 555 New Jersey Avenue NW., Room 402M, Washington, DC 20208-1430. Telephone (202) 357-6315.

**Program authority:** 20 U.S.C. 351 et seq.

**Dated:** September 12, 1986.

**Chester E. Finn, Jr.,**

*Assistant Secretary for Educational Research and Improvement.*

[FR Doc. 86-20970 Filed 9-16-86; 8:45 am]

**BILLING CODE 4000-01-M**

**Notice Inviting Applications for New Awards Under the Library Literacy Program (CFDA No. 84.167)**

**Purpose:** Provides grants not to exceed \$25,000 each to State and local public libraries to support literacy projects.

**Deadline for transmittal of applications:** February 13, 1987.

**Deadline for intergovernmental review comments:** April 14, 1987.

**Applications available:** December 12, 1986.

**Available funds:** The Administration's budget request for fiscal year 1987 does not include funds for this program. However, applications are being invited to allow sufficient time to evaluate applications and complete the grant process before the end of the fiscal year, should the Congress appropriate funds for this program.

**Estimated average size of awards:** \$20,000.

**Estimated number of awards:** 240.

**Project period:** 12 months.

**Applicable regulations:** (a) The Library Services and Construction Act Library Literacy Program Regulations, 34

CFR Part 769, and (b) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

*For applications or information contact:* Frank A. Stevens, Director, Library Development Staff, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 402M, Washington, DC 20208-1430. Telephone (202) 357-6315.

*Program authority:* 20 U.S.C. 351 et seq.

Dated: September 12, 1986.

Chester E. Finn, Jr.,

*Assistant Secretary for Educational Research and Improvement.*

[FR Doc. 86-20971 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

**Notice Inviting Applications for New Awards Under the Library Services and Construction Act Special Projects Grants to Indian Tribes and Hawaiian Natives Program for Fiscal Year 1987 (CFDA No. 84.163B)**

*Purpose:* Provides grants to eligible Indian Tribes and to eligible Hawaiian native organizations to establish or improve public library services for Indians and Hawaiian natives.

*Deadline for transmittal of applications:* May 11, 1987.

*Deadline for intergovernmental review comments:* July 10, 1987.

*Applications available:* March 23, 1987.

*Available funds:* The Administration's budget request for fiscal year 1987 does not include funds for this program. However, applications are being invited to allow sufficient time to evaluate applications and complete the grant process before the end of the fiscal year, should the Congress appropriate funds for this program.

*Estimated average size of awards:* \$62,000.

*Estimated number of awards:* 17.

*Project period:* 12 months.

*Applicable regulations:* (a) The Library Services and Construction Act Special Projects Grants to Indian Tribes and Hawaiian Natives Program Regulations, 34 CFR Part 722, and (b) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

*For applications or information contact:* Frank A. Stevens, Director, Library Development Staff, U.S. Department of Education, 555 New Jersey Avenue NW., Room 402M, Washington, DC 20208-1430. Telephone: (202) 357-6315.

*Program authority:* 20 U.S.C., 351 et seq.

Dated: September 12, 1986.

Chester E. Finn, Jr.,

*Assistant Secretary for Educational Research and Improvement.*

[FR Doc. 86-20972 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

**Notice Inviting Applications for New Awards Under the Secretary's Discretionary Program for Mathematics, Science, Computer Learning, and Critical Foreign Languages for Fiscal Year 1987 (CFDA No. 84.168)**

*Purpose:* To make grants to eligible parties as described in 34 CFR 755.2(a) for nationally significant projects designed to improve the quality of teaching and instruction in mathematics and science in the United States.

*Deadline date for transmittal of applications:* November 17, 1986.

*Applications available:* October 1, 1986.

*Available funds:* \$1,000,000.

*Estimated range of awards:* \$50,000-\$100,000.

*Estimated average size of awards:* \$75,000.

*Estimated number of awards:* 12-15.

*Project period:* 12 months.

*Applicable regulations:* (a) The Secretary's Discretionary Program for Mathematics, Science, Computer Learning, and Critical Foreign Languages regulations, 34 CFR Part 755, and

(b) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, and 78.

*Absolute priority:* In accordance with 34 CFR 75.105(c)(3), the Secretary has chosen as an absolute priority to fund applications for projects designed to improve teacher qualifications and skills in the field of mathematics and science from the broader priority at § 75.11(b)(2) (for "projects designed to improve teacher qualifications and skills in the fields of mathematics, science, computer learning, and critical foreign languages"). Only applications proposing activities under this priority will be considered.

*Invitational priorities:* Within the absolute priority and pursuant to 34 CFR 75.105(c)(1), the Secretary is especially interested in receiving proposals that will provide opportunities for outstanding elementary and secondary school teachers to enhance their knowledge and skills through a period of concentrated summer study. Such proposals, however, will not be given any absolute or competitive advantage over proposals for other approaches under the absolute priority.

The Secretary will award grants under this competition in commemoration of Christa McAuliffe, the high school teacher from Concord, New Hampshire, who died in last January's explosion of the space shuttle *Challenger*.

*Selection criteria:* The program regulations at § 755.30 (b) and (d) authorize the Secretary to distribute an additional 15 points among the criteria described in the regulations at § 755.31 to bring the total to a maximum of 100 points. For the purposes of this competition, the Secretary will distribute the additional points as follows:

*Improvement of the quality of teaching and instruction in mathematics, science, computer learning, or critical foreign languages.* (§ 755.31(f)) Fifteen (15) additional points will be added for a possible total of 35 points for this criterion.

*For applications or information contact:* Patricia L. Alexander, Secretary's Discretionary Fund, U.S. Department of Education, 400 Maryland Avenue SW., Room 1011, Washington, DC 20202. Telephone: (202) 732-3599.

*Program authority:* 20 U.S.C. 39722.

Dated: September 12, 1986.

William J. Bennett,

*Secretary of Education.*

[FR Doc. 86-20973 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

**Notice Inviting Applications for New Awards Under the Indian Education Act of 1972, as Amended, Part B—Educational Services for Indian Children for Fiscal Year 1987 (CFDA No. 84.061A)**

*Purpose:* Provides grants to serve Indian children through (1) educational services that are not available in sufficient quantity or quality; and (2) innovative and exemplary approaches, methods, and techniques.

*Deadline for transmittal of applications:* November 10, 1986.

*Deadline for intergovernmental review comments:* January 9, 1987.

*Applications available:* September 19, 1986.

*Available funds:* The Administration's budget request for fiscal year 1987 does not include funds for this program, and the Congress has not completed action on the fiscal year 1987 appropriation. However, applications are being invited to allow sufficient time to evaluate applications and complete the grant process before the end of the fiscal year, should the Congress appropriate funds for this program. The following

estimates are based on the fiscal year 1986 appropriation.

*Estimated range of awards:* \$20,000–\$297,000.

*Estimated average size of awards:* \$105,258.

*Estimated number of awards:* 31.

*Project period:* 12–24 months.

*Applicable regulations:* (a) The Indian Education Program Regulations, 34 CFR Parts 250 and 254, and (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

*For applications or information contact:* Elsie Janifer, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2166, Washington, DC 20202. Telephone: (202) 732-1918.

*Program authority:* 20 U.S.C. 3385(a)(c).

Dated: September 4, 1986.

**Lawrence F. Davenport,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 86-20974 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

**Notice Inviting Applications for New Awards Under the Indian Education Act of 1972, as Amended, Part B—Planning Projects for Indian Children for Fiscal Year 1987 (CFDA No. 84.061C)**

*Purpose:* Provides grants to State and local educational agencies, and Indian tribes, organizations, and institutions, and federally-supported elementary and secondary schools for Indian children for planning projects designed to create programs for improving educational opportunities for Indian children.

*Deadline for transmittal of applications:* November 10, 1986.

*Deadline for intergovernmental review comments:* January 9, 1987.

*Applications available:* September 19, 1986.

*Available funds:* The Administration's budget request for fiscal year 1987 does not include funds for this program, and the Congress has not completed action on the fiscal year 1987 appropriation. However, applications are being invited to allow sufficient time to evaluate applications and complete the grant process before the end of the fiscal year, should the Congress appropriate funds for this program. The following estimates are based on the fiscal year 1986 appropriation.

*Estimated range of awards:* \$55,000–\$106,000.

*Estimated average size of awards:* \$65,029.

*Estimated number of awards:* 9.

*Project period:* 12 months.

*Applicable regulations:* (a) The Indian Education Program Regulations, 34 CFR Parts 250 and 255, and (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

*For applications or information contact:* Elsie Janifer, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2166, Washington, DC 20202. Telephone: (202) 732-1918.

*Program authority:* 20 U.S.C. 3385 (a)(1), (b).

Dated: September 4, 1986.

**Lawrence F. Davenport,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 86-20975 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

**Notice Inviting Applications for New Awards Under the Indian Education Act of 1972, as Amended, Part B—Pilot Projects for Indian Children for Fiscal Year 1987 (CFDA No. 84.061D)**

*Purpose:* Provides grants to State and local educational agencies, and Indian tribes, organizations, and institutions, and federally-supported elementary and secondary schools for Indian children for pilot projects designed to test the effectiveness of programs for improving educational opportunities for Indian children.

*Deadline for transmittal of applications:* November 10, 1986.

*Deadline for intergovernmental review comments:* January 9, 1987.

*Applications available:* September 19, 1986.

*Available funds:* The Administration's budget request for fiscal year 1987 does not include funds for this program, and the Congress has not completed action on the fiscal year 1987 appropriation. However, applications are being invited to allow sufficient time to evaluate applications and complete the grant process before the end of the fiscal year, should the Congress appropriate funds for this program. The following estimates are based on the fiscal year 1986 appropriation.

*Estimated range of awards:* \$22,000–\$155,000.

*Estimated average size of awards:* \$95,229.

*Estimated number of awards:* 11.

*Project period:* 12–24 months.

*Applicable regulations:* (a) The Indian Education Program Regulations, 34 CFR Parts 250 and 255, and (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

*For applications or information contact:* Elsie Janifer, U.S. Department

of Education, 400 Maryland Avenue SW., Room 2166, Washington, DC 20202. Telephone: (202) 732-1918.

*Program authority:* 20 U.S.C. 3385 (a)(1), (b).

Dated: September 4, 1986.

**Lawrence F. Davenport,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 86-20976 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

**Notice Inviting Applications for New Awards Under the Indian Education Act of 1972, as Amended, Part B—Demonstration Projects for Indian Children for Fiscal Year 1987 (CFDA No. 84.061E)**

*Purpose:* Provides grants to State and local educational agencies, and Indian tribes, organizations, and institutions, and federally-supported elementary and secondary schools for Indian children for demonstration projects designed to demonstrate the effectiveness of programs for improving opportunities for Indian children.

*Deadline for transmittal of applications:* November 10, 1986.

*Deadline for intergovernmental review comments:* January 9, 1987.

*Applications available:* September 19, 1986.

*Available funds:* The Administration's budget request for fiscal year 1987 does not include funds for this program, and the Congress has not completed action on the fiscal year 1987 appropriation. However, applications are being invited to allow sufficient time to evaluate applications and complete the grant process before the end of the fiscal year, should the Congress appropriate funds for this program. The following estimates are based on the fiscal year 1986 appropriation.

*Estimated range of awards:* \$91,000–\$179,000.

*Estimated average size of awards:* \$138,165.

*Estimated number of awards:* 5.

*Project period:* 12–24 months.

*Applicable regulations:* (a) The Indian Education Program Regulations, 34 CFR Parts 250 and 255, and

(b) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

*For applications or information contact:* Elsie Janifer, U.S. Department of Education, 400 Maryland Avenue SW., Room 2166, Washington, DC 20202. Telephone: (202) 732-1918.

*Program authority:* 20 U.S.C. 3385(a)(1), (b).

Dated: September 4, 1986.

Lawrence F. Davenport,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 86-20977 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

**Notice Inviting Applications for New Awards Under the Indian Education Act of 1972, as Amended, Part A—Indian-Controlled Schools for Fiscal Year 1987 (CFDA No. 84.072A)**

**Purpose:** Provides educational enrichment grants to meet the special educational and culturally related academic needs of Indian children in Indian-controlled elementary and secondary schools or local educational agencies.

**Deadline for transmittal of applications:** November 10, 1986.

**Applications available:** September 19, 1986.

**Available funds:** The Administration's budget request for fiscal year 1987 does not include funds for this program, and the Congress has not completed action on the fiscal year 1987 appropriation. However, applications are being invited to allow sufficient time to evaluate applications and complete the grant process before the end of the fiscal year, should the Congress appropriate funds for this program. The following estimates are based on the fiscal year 1986 appropriation.

**Estimated range of awards:** \$37,000–\$228,000.

**Estimated average size of awards:** \$123,382.

**Estimated number of awards:** 34.

**Project period:** 12–24 months.

**Applicable regulations:** (a) The Indian Education Program Regulations, 34 CFR Parts 250 and 253, and (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, and 78.

**For applications or information contact:** Elsie Janifer, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2166, Washington, DC 20202. Telephone: (202) 732-1918.

**Program authority:** 20 U.S.C. 241bb(b).

Dated: September 4, 1986.

Lawrence F. Davenport,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 86-20978 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

**Notice Inviting Applications for New Awards Under the Indian Education Act—Part A—Formula Grant Program for Fiscal Year 1987 (CFDA No. 84.060A)**

**Purpose:** Provides grant to local educational agencies and certain Indian tribes and organizations for projects that meet the special educational and culturally related academic needs of Indian children.

**Deadline for transmittal of applications:** February 13, 1987.

**Deadline for intergovernmental review comments:** April 14, 1987.

**Applications available:** November 14, 1986.

**Available funds:** The Administration's budget request for fiscal year 1987 does not include funds for this program, and the Congress has not completed action on the fiscal year 1987 appropriation. However, applications are being invited to allow sufficient time to evaluate applications and complete the grant process before the end of the fiscal year, should the Congress appropriate funds for this program. The following estimates are based on the fiscal year 1986 appropriation.

**Estimated range of awards:** \$1,288–\$964,562.

**Estimated average size of awards:** \$39,100.

**Estimated number of awards:** 1,117.

**Project period:** 12 months.

**Applicable regulations:** (a) The Indian Education Program Regulations, 34 CFR Parts 250 and 251; (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

**For applications or information contact:** Julie Lesceux, U.S. Department of Education, 400 Maryland Avenue SW., Room 2177, Washington, DC 20202. Telephone: (202) 732-1887.

**Program authority:** 20 U.S.C. 241aa–241ff.

Dated: September 10, 1986.

Lawrence F. Davenport,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 86-20979 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

**Notice Inviting Applications for New Awards Under the Indian Education Act of 1972, as Amended, Part B—Educational Personnel Development for Fiscal Year 1987 (CFDA No. 84.061F)**

**Purpose:** Provides grants to (1) prepare persons to serve Indian students as educational personnel or ancillary educational personnel; (2) improve the

qualifications of persons serving Indian students in such capacities; or (3) provide in-service training to persons serving Indian students in these capacities.

**Deadline for transmittal of applications:** November 10, 1986.

**Applications available:** September 19, 1986.

**Available funds:** The Administration's budget request for fiscal year 1987 does not include funds for this program, and the Congress has not completed action on the fiscal year 1987 appropriation. However, applications are being invited to allow sufficient time to evaluate applications and complete the grant process before the end of the fiscal year, should the Congress appropriate funds for this program. The following estimates are based on the fiscal year 1986 appropriation.

**Estimated range of awards:** \$36,000–\$223,000.

**Estimated average size of awards:** \$144,333.

**Estimated number of awards:** 15.

**Project period:** 12–36 months.

**Program priorities:** Under 34 CFR 75.105(c)(1), "Annual priorities," the Secretary invites applicants to submit applications that address the special need of preparing participants for teaching positions. However, an application that meets this priority receives no competitive or absolute preference over applications that do not meet the priority.

**Applicable regulations:** (a) The Indian Education Program Regulations, 34 CFR Parts 250 and 256, and (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, and 78.

**For applications or information contact:** Elsie Janifer, U.S. Department of Education, 400 Maryland Avenue SW., Room 2166, Washington, DC 20202. Telephone: (202) 732-1918.

**Program authority:** 20 U.S.C. 3385(d), 3385a.

Dated: September 4, 1986.

William J. Bennett,

Secretary of Education.

[FR Doc. 86-20980 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

**Notice Inviting Applications for New Awards Under the Indian Education Act of 1972, as Amended, Part C—Educational Services for Indian Adults for Fiscal Year 1987 (CFDA No. 84.062A)**

**Purpose:** Provides grants for Indian tribes, Indian organizations, and Indian institutions for educational service

projects designed to improve educational opportunities for Indian adults.

*Deadline for transmittal of applications:* November 10, 1986.

*Deadline for intergovernmental review comments:* January 9, 1987.

*Applications available:* September 19, 1986.

*Available funds:* The President's budget request for fiscal year 1987 was for \$2,940,000. The Congress has not completed action on the fiscal year 1987 appropriation. The estimates below assume congressional passage of the President's request.

*Estimated range of awards:* \$46,000–\$254,000.

*Estimated average size of awards:* \$105,000.

*Estimated number of awards:* 28.

*Project period:* 12–24 months.

*Program priorities:* Under 34 CFR 75.105(c)(1), "Annual priorities," the Secretary invites applicants to submit applications that address the special needs of Indian adults who reside in rural or isolated areas where adult educational services are not provided by a private organization, local educational agency, State agency, or the Bureau of Indian Affairs, Department of the Interior. However, an application that meets this priority receives no competitive or absolute preference over applications that do not meet the priority.

*Applicable regulations:* (a) The Indian Education Program Regulations, 34 CFR Parts 250 and 257, and (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

*For applications or information contact:* Elsie Janifer, U.S. Department of Education, 400 Maryland Avenue SW., Room 2166, Washington, DC 20202. Telephone: (202) 732-1918.

*Program authority:* 20 U.S.C. 1211a(b).

Dated: September 4, 1986.

William J. Bennett,  
Secretary of Education.

[FR Doc. 86-20981 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

#### Notice Inviting Applications for New Awards Under the Indian Education Act of 1972, as Amended, Part C—Planning Projects for Indian Adults for Fiscal Year 1987 (CFDA No. 84.062C)

*Purpose:* Provides grants to State and local educational agencies, and Indian tribes, organizations, and institutions, for planning projects designed to create programs for improving employment and

educational opportunities for Indian adults.

*Deadline for transmittal of applications:* November 10, 1986.

*Deadline for intergovernmental review comments:* January 9, 1987.

*Applications available:* September 19, 1986.

*Available funds:* The Administration's budget request for fiscal year 1987 does not include funds for this program, and the Congress has not completed action on the fiscal year 1987 appropriation. However, applications are being invited to allow sufficient time to evaluate applications and complete the grant process before the end of the fiscal year, should the Congress appropriate funds for this program. The following estimates are based on the fiscal year 1986 appropriation.

*Estimated range of awards:* 59,000–\$93,000.

*Estimated average size of awards:* \$76,000

*Estimated number of awards:* 2.

*Project period:* 12 months.

*Program priorities:* Under 34 CFR 75.105(c)(1), "Annual priorities," the Secretary invites applicants to submit applications that address the special needs of Indian adults who reside in rural or isolated areas where adult educational services are not provided by a private organization, local educational agency, State agency, or the Bureau of Indian Affairs, Department of the Interior. However, an application that meets this priority receives no competitive or absolute preference over applications that do not meet the priority.

*Applicable regulations:* (a) The Indian Education Program Regulations, 34 CFR Parts 250 and 258, and (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

*For applications or information contact:* Elsie Janifer, U.S. Department of Education, 400 Maryland Avenue SW., Room 2166, Washington, DC 20202. Telephone: (202) 732-1918.

*Program authority:* 20 U.S.C. 1211a(a).

Dated: September 4, 1986.

William J. Bennett,  
Secretary of Education.

[FR Doc. 86-20982 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

#### Notice Inviting Applications for New Awards Under the Indian Education Act of 1972, as Amended, Part C—Pilot Projects for Indian Adults for Fiscal Year 1987 (CFDA No. 84.062D)

*Purpose:* Provides grants to State and

local educational agencies, and Indian tribes, organizations, and institutions, for pilot projects designed to test the effectiveness of programs for improving employment and educational opportunities for Indian adults.

*Deadline for transmittal of applications:* November 10, 1986.

*Deadline for intergovernmental review comments:* January 9, 1987.

*Applications available:* September 19, 1986.

*Available funds:* The Administration's budget request for fiscal year 1987 does not include funds for this program, and the Congress has not completed action on the fiscal year 1987 appropriation. However, applications are being invited to allow sufficient time to evaluate applications and complete the grant process before the end of the fiscal year, should the Congress appropriate funds for this program. The following estimates are based on the fiscal year 1986 appropriation.

*Estimated range of awards:* \$76,000–\$164,000.

*Estimated average size of awards:* \$109,904.

*Estimated number of awards:* 5.

*Project period:* 12–24 months.

*Program priorities:* Under 34 CFR 75.105(c)(1), "Annual priorities," the Secretary invites applicants to submit applications that address the special needs of Indian adults who reside in rural or isolated areas where adult educational services are not provided by a private organization, local educational agency, State agency, or the Bureau of Indian Affairs, Department of the Interior. However, an application that meets this priority receives no competitive or absolute preference over applications that do not meet the priority.

*Applicable regulations:* (a) The Indian Education Program Regulations, 34 CFR Parts 250 and 258, and (b) the Educational Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

*For applications or information contact:* Elsie Janifer, U.S. Department of Education, 400 Maryland SW., Room 2166, Washington, DC 20202. Telephone: (202) 732-1918.

*Program authority:* 20 U.S.C. 1211a(a).

Dated: September 4, 1986.

William J. Bennett,  
Secretary of Education.

[FR Doc. 86-20983 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

**Notice Inviting Applications for New Awards Under the Indian Education Act of 1972, as Amended, Part C—Demonstration Projects for Indian Adults for Fiscal Year 1987 (CFDA No. 84.062E).**

*Purpose:* Provides grants to State and local educational agencies, and Indian tribes, organizations, and institutions, for demonstration projects designed to demonstrate the effectiveness of programs for improving employment and educational opportunities for Indian adults.

*Deadline for transmittal of applications:* November 10, 1986.

*Deadline for intergovernmental review comments:* January 9, 1987.

*Applications available:* September 19, 1986.

*Available funds:* The Administration's budget request for fiscal year 1987 does not include funds for this program, and the Congress has not completed action on the fiscal year 1987 appropriation. However, applications are being invited to allow sufficient time to evaluate applications and complete the grant process before the end of the fiscal year, should the Congress appropriate funds for this program. The following estimates are based on the fiscal year 1986 appropriation.

*Estimated range of awards:* \$100,000–\$165,000.

*Estimated average size of awards:* \$142,815.

*Estimated number of awards:* 6.

*Project period:* 12–24 months.

*Program priorities:* Under 34 CFR 75.105(C)(1), "Annual priorities," the Secretary invites applicants to submit applications that address the special needs of Indian adults who reside in rural or isolated areas where adult educational services are not provided by a private organization, local educational agency, State agency, or the Bureau of Indian Affairs, Department of the Interior. However, an application that meets this priority receives no competitive or absolute preference over applications that do not meet the priority.

*Applicable regulations:* (a) The Indian Education Program Regulations, 34 CFR Parts 250 and 258, and (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

*For applications for information contact:* Elsie Janifer, U.S. Department of Education, 400 Maryland Avenue SW., Room 2166, Washington, DC 20202. Telephone: (202) 732-1918.

*Program authority:* 20 U.S.C. 1211a(a).

Dated: September 4, 1986.

William J. Bennett,  
Secretary of Education.

[FR Doc. 86-20984 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

**Notice Inviting Applications for New Awards Under Part B of the Indian Education Act of 1972, as Amended, Indian Fellowship Program for Fiscal Year 1987 (CFDA No. 84.087)**

*Purpose:* Enables Indian students to pursue courses of study leading to: (a) postbaccalaureate degrees in medicine, psychology, law, education, and related fields, or (b) undergraduate or graduate degrees in business administration, engineering, natural resources, and related fields.

*Deadline for transmittal of applications:* February 6, 1987.

*Applications available:* December 8, 1986.

*Available funds:* The Administration's budget request for fiscal year 1987 does not include funds for this program, and the Congress has not completed action on the fiscal year 1987 appropriation. However, applications are being invited to allow sufficient time to evaluate applications and complete the grant process before the end of the fiscal year, should the Congress appropriate funds for this program. The following estimates are based on the fiscal year 1986 appropriation.

*Estimated range of awards:* \$600–\$24,000.

*Estimated average size of awards:* \$7,988.

*Estimated number of awards:* 175

*Project period:* 12–48 months.

*Program information:* The Secretary is not establishing any priorities among the final regulations.

The estimated maximum stipend allowed will be \$750 per month. An estimated maximum allowance of \$110 per month will be allowed for each dependent. Financial need and the applicant's resources will be taken into account in determining the amount of the fellowship award. The Secretary awards a fellowship in an amount up to but not more than the difference between the student's resources including other sources of financial aid, and the student's expenses as defined in 34 CFR 263.3.

*Applicable regulations:* (a) The Indian Fellowship Program Regulations in 34 CFR Part 263.

*For applications or information contact:* Dorothea Perkins, U.S. Department of Education, 400 Maryland Avenue SW., Room 2177, Washington, DC 20202. Telephone: (202) 732-1909.

*Program authority:* 20 U.S.C. 3385b.

Dated: September 10, 1986.

Lawrence F. Davenport,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 86-20985 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

**Notice Inviting Applications for New Awards Under the Special Services for Disadvantaged Students Program for Fiscal Year 1987 (CFDA No. 84.042)**

*Purpose:* Provides grants to institutions of higher education for projects that provide academic support services to low-income, first-generation, or physically handicapped college students.

*Deadline for transmittal of applications:* November 14, 1986.

*Applications available:* September 29, 1986.

*Available funds:* \$67,070,000.

The Congress has not yet appropriated funds for fiscal year 1987. In addition, grant awards in 1987 are contingent on congressional reauthorization action because current law authority for this program expires at the end of fiscal year 1986. The estimated range, average size, and number of awards stated in this Notice assumes such reauthorization and assumes fiscal year 1987 funds availability at about the 1986 level.

*Estimated range of awards:* \$30,000–\$250,000.

*Estimated average size of awards:* \$120,000.

*Estimated number of awards:* 600.

*Project period:* 36 months.

*Applicable regulations:* (a) the Special Services for Disadvantaged Students Program Regulations, 34 CFR Part 646, and (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, and 78.

*Application preparation workshops:* The Department of Education will conduct Application Preparation Workshops to assist prospective applicants in developing applications for the Special Services Program. The scheduled dates and locations are as follows: September 24th in Washington, DC, October 6th in Atlanta, Georgia and Kansas City, Kansas and October 15th in San Francisco California. Further information regarding the workshops is available in the application package.

*For applications or information contact:* Jowava M. Leggett, Chief, Special Services Branch, Division of Student Services, U.S. Department of Education, 400 Maryland Avenue SW., Room 3060, Regional Office Building 3,

Washington, DC 20202. Telephone: (202) 245-2165.

Program authority: 20 U.S.C. 1070d, 1070d-1b.

Dated: September 11, 1986.

Dewey L. Newman,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 86-20986 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

**Notice Inviting Applications for New Awards Under the Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship Program for Fiscal Year 1987 (CFDA No. 84.022)**

**Purpose:** Awards fellowships through institutions of higher education to Ph.D. candidates for full-time dissertation research abroad in modern foreign languages and area studies.

**Priorities:** The regulations governing the Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship Program, (34 CFR 662.32(c)), provide for the establishment of funding priorities by the Secretary. For Fiscal Year 1987, the Secretary has established funding priorities for new awards for doctoral dissertation research abroad. These priorities will be applied in accordance with the provisions of the Education Department General Administrative Regulations (EDGAR), 34 CFR 75.105(c)(3). All available funds for this program will be reserved solely for applications which propose research focusing upon one or more of the following world areas: (1) Africa; (2) the Western Hemisphere; (3) East Asia; (4) Southeast Asia and the Pacific; (5) Eastern Europe and the U.S.S.R.; (6) the Near East; or (7) South Asia. Applications which propose research focusing on Western Europe will not be funded.

**Deadline for transmittal of applications:** November 17, 1986.

**Applications available:** September 29, 1986.

**Available funds:** The Administration's budget request for fiscal year 1987 does not include funds for this program. However, applications are invited to allow for sufficient time to evaluate applications and complete the grant process before the end of the fiscal year, should the Congress appropriate funds for this program. The following estimates are based upon the FY 1986 appropriation.

**Estimated range of awards:** \$4,000 to \$35,000.

**Estimated average size of awards:** \$16,042.

**Project period:** 6 to 12 months.

**Applicable regulations:** (a) The Higher Education Programs in Modern Foreign Language Training and Area Studies—Doctoral Dissertation Research Abroad Fellowship Program Regulations, 34 CFR Part 662, and (b) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, and 78.

**For applications or information contact:** Mr. John Paul, U.S. Department of Education, Mail Stop 3308, 400 Maryland Avenue SW., Washington, DC 20202. Telephone: (202) 732-3298.

Program authority: 22 U.S.C. 2452 (b)(6).

Dated: September 11, 1986.

William J. Bennett,

Secretary of Education.

[FR Doc. 86-20987 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

**Notice Inviting Applications for New Awards under the Fulbright-Hays Faculty Research Abroad Fellowship Program for Fiscal Year 1987 (CFDA No. 84.019)**

**Purpose:** Awards fellowships through institutions of higher education for faculty members for research abroad in modern foreign languages and area studies.

**Priorities:** The regulations governing the Fulbright-Hays Faculty Research Abroad Fellowship Program, (34 CFR 663.32(c)), provide for the establishment of funding priorities by the Secretary. For Fiscal Year 1987, the Secretary has established funding priorities for new awards for faculty research abroad. These priorities will be applied in accordance with the provisions of the Education Department General Administrative Regulations (EDGAR), 34 CFR 75.105(c)(3). All available funds for this program will be reserved solely for applications which propose research focusing upon one or more of the following world areas: (1) Africa; (2) the Western Hemisphere; (3) East Asia; (4) Southeast Asia and the Pacific; (5) Eastern Europe and the U.S.S.R.; (6) the Near East; or (7) South Asia. Applications which propose research focusing on Western Europe will not be funded.

**Deadline for transmittal of applications:** November 17, 1986.

**Applications available:** September 29, 1986.

**Available funds:** The Administration's budget request for Fiscal Year 1987 does not include funds for this program. However, applications are being invited to allow sufficient time to evaluate applications and complete the grant process before the end of the fiscal year,

should the Congress appropriate funds for this program. The following estimates are based on the 1986 appropriation.

**Estimated range of awards:** \$10,000 to \$60,000.

**Estimated average size of awards:** \$28,380.

**Estimated number of awards:** 25.

**Project period:** 3 to 12 months.

**Applicable regulations:** (a) The Higher Education Programs in Modern Foreign Language Training and Area Studies—Faculty Research Abroad Fellowship Program Regulations, 34 CFR Part 663, and (b) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, and 78. For applications or information contact: Mrs. Merion Kane, U.S. Department of Education, Mail Stop 3308, 400 Maryland Avenue SW., ROB-3, Washington, D.C. 20202. Telephone: (202) 732-3301.

Program authority: 22 U.S.C. 2452 (b)(6).

Dated: September 11, 1986.

William J. Bennett,

Secretary of Education.

[FR Doc. 86-20988 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

**Notice Inviting Applications for New Award Under the Fulbright-Hays Group Projects Abroad Program for Fiscal Year 1987 (CFDA No 84.021)**

**Purpose:** Provides grants to conduct overseas group projects in research, training and curriculum development to higher education institutions, private nonprofit educational organizations, state departments of education and consortia of these eligible parties.

**Priorities:** The regulations governing the Fulbright-Hays Group Projects Abroad Program (34 CFR 664.32) provide for the establishment of funding priorities by the Secretary. For Fiscal Year 1987, the Secretary has established funding priorities for this program. These priorities will be applied in accordance with the Education Department General Administrative Regulations (EDGAR), 34 CFR 75.105(c)(3). All available funds for this program will be reserved solely for applications which propose projects focusing upon one or more of the following world areas: (1) Africa; (2) Latin America and the Caribbean; (3) East Asia; (4) Southeast Asia and the Pacific; (5) Eastern Europe and the U.S.S.R.; (6) the Near East; or (7) South Asia. Applications focusing on Western Europe will not be funded.

**Deadline for transmittal of applications:** November 17, 1986.

*Applications available:* September 29, 1986.

*Available funds:* The Administration's budget request for fiscal year 1987 does not include funds for this program. However, applications are being invited to allow sufficient time to evaluate applications and complete the grant process before the end of the fiscal year, should the Congress appropriate funds for this program. The following estimates are based on the FY 1986 appropriation.

*Estimated range of awards:* \$20,000 to \$204,000.

*Estimated average size of awards:* \$55,000.

*Estimated number of awards:* 38.

*Project period:* 6 weeks to 12 months.

*Applicable regulations:* (a) Higher Education Programs in Modern Foreign Language Training and Area Studies—Group Projects Abroad Program, 34 CFR Part 664, and (b) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, and 78.

*For applications or information contact:* Dr. Stephney J. Keyser, U.S. Department of Education, Mail Stop 3308, 400 Maryland Avenue S.W., ROB-3, Washington, DC 20202. Telephone: (202) 732-3294.

*Program authority:* 22 U.S.C. 2454 (b)(6).

Dated: September 11, 1986.

William J. Bennett,  
Secretary of Education.

[FR Doc. 86-20989 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

#### **Notice Inviting Applications for New Awards Under the Minority Institutions Science Improvement Program (MISIP) for Fiscal Year 1987 (CFDA No. 84.120-A&B)**

*Purpose:* Provides grants to support projects that propose to effect long-range improvement in science education at predominantly minority institutions and to increase the underrepresented ethnic minorities in scientific careers.

*Deadline for transmittal of applications:* November 21, 1986, for the Institutional, Design, and Cooperative Projects, and February 20, 1987, for the Special Projects.

*Applications available:* September 29, 1986.

*Available funds:* The Administration's budget for fiscal year 1987 requested an appropriation of \$5,000,000. Should this amount be appropriated, approximately \$3,750,000 will be available for Institutional, Design, and Cooperative Projects. The remaining \$1,250,000 will be available for Special Projects.

*Estimated range of awards:* \$20,000–\$500,000 for Institutional, Design, and Cooperative Projects, and \$19,000 to \$50,000 for Special Projects.

*Estimated average size of awards:* \$210,000 for Institutional and Cooperative Projects, \$19,000 for Design Projects, and \$44,000 for Special Projects.

*Estimated number of awards:* 18–20 (each category).

*Project period:* 12 to 36 months.

*Applicable regulations:* (a) The regulations governing the Minority Institutions Science Improvement Program Regulations, 34 CFR Part 637, and (b) The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, and 78.

*For applications or information contact:* Dr. Argelia Velez-Rodriguez, U.S. Department of Education, Mail Stop 3327, 400 Maryland Avenue S.W., Room 3022, ROB-3, Washington, DC 20202. Telephone (202) 245-3253.

*Program authority:* 20 U.S.C. 1221e-1b.

Dated: September 11, 1986.

C. Ronald Kimberling,

Assistant Secretary for Postsecondary Education.

[FR Doc. 86-20990 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

#### **Notice Inviting Applications for New Awards Under the International Research and Studies Program for Fiscal Year 1987 (CFDA No. 84.017)**

*Purpose:* Provides grants to public and private agencies, organizations, institutions, and individuals to conduct research and studies to improve and strengthen instruction in modern foreign languages, area studies, and related fields.

*Priorities:* The regulations governing the International Research and Studies Program (34 CFR 660.34) provide for the establishment of funding priorities by the Secretary. For FY 1987, the Secretary has established funding priorities for new awards for research. The priorities will be applied in accordance with the provisions of 34 CFR 75.105(c)(2)(ii) and are in the following areas: (1) improved teaching methodologies for modern foreign languages; (2) foreign language proficiency testing and (3) foreign language acquisition processes. In addition, in accordance with 34 CFR 75.105(c)(1), the Secretary urges the proposal of projects involving the use of computers for improving foreign language instruction and for projects involving the development of instructional materials for uncommonly taught foreign languages.

*Deadline for transmittal of applications:* December 2, 1986.

*Applications available:* October 1, 1986.

*Available funds:* The Administration's budget request for fiscal year 1987 does not include funds for this program. However, applications are being invited to allow sufficient time to evaluate applications and complete the grant process before the end of the fiscal year, should the Congress appropriate funds for this program. The following estimates are based on the FY 1986 appropriation. In addition, the current statutory authority for this program expires at the end of fiscal year 1986. Grant awards in 1987 are contingent on the Congress reauthorizing this program.

*Estimated range of awards:* \$20,000 to \$100,000.

*Estimated average size of awards:* 60,000.

*Estimated number of awards:* 20

*Project period:* 12 to 36 months.

*Applicable regulations:* (a) International Research and Studies Program, 34 CFR Parts 655 and 660, and (b) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, and 78.

*For applications or information contact:* Robert R. Dennis or (Mrs.) Flora McKenzie, U.S. Department of Education, 400 Maryland Avenue S.W., Room 3053, ROB-3, Washington, DC 20202. Telephone (202) 732-3297; 732-3296.

*Program authority:* 20 U.S.C. 1125.

Dated: September 11, 1986.

William J. Bennett,  
Secretary of Education.

[FR Doc. 86-20991 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

#### **Notice Inviting Applications for New Awards Under the Business and International Education Program for Fiscal Year 1987 (CFDA No. 84.153)**

*Purpose:* Provides grants to enhance international academic programs of higher education institutions and expand the capacity of the business community to engage in international economic activities.

*Deadline for transmittal of applications:* December 12, 1986.

*Applications available:* September 30, 1986.

*Available funds:* The Administration's budget request for fiscal year 1987 does not include funds for this program. However, applications are being invited to allow for sufficient time to evaluate applications and complete the grant process before the end of the fiscal year.

should the Congress appropriate funds for this program. The following estimates are based upon the FY 1986 appropriation.

In addition, the current statutory authority for this program expires at the end of fiscal year 1986. Grant awards in 1987 are contingent on the Congress reauthorizing this program.

*Estimated range of awards:* \$40,000 to \$135,000.

*Estimated average size of awards:* \$65,000.

*Estimated number of awards:* 20-25.

*Project period:* Up to 24 months.

*Applicable regulations:* (a) Business and International Education Program, 34 CFR Part 661, and (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77 and 78.

*For applications or information contact:* Susanna C. Easton, U.S.

Department of Education, 400 Maryland Avenue SW., Room 3053, ROB-3, Washington, DC 20202 Telephone: 202-732-3302.

*Program authority:* 20 U.S.C. 1130-1130b.

Dated: September 11, 1986.

**C. Ronald Kimberling,**

*Assistant Secretary for Postsecondary Education.*

[FR Doc. 86-20992 Filed 9-16-86; 8:45 am]

BILLING CODE 4000-01-M

# Estimate Report Letter

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Wednesday  
September 17, 1986

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## Part III

### Office of Management and Budget

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Budget Rescissions and Deferrals;  
Cumulative Report

**OFFICE OF MANAGEMENT AND BUDGET****Cumulative Report On Rescissions and Deferrals**

September 1, 1986.

This report is submitted in fulfillment of the requirements of section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year for which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of September 1, 1986, of 83 rescission proposals and 70 deferrals contained in the seven special messages of FY 1986. These messages were transmitted to the

Congress on October 1 and November 25, 1985, February 5, March 12, March 20, April 25, and June 24, 1986.

**Rescissions (Table A and Attachment A)**

As of September 1, 1986, there were no rescission proposals pending before the Congress.

**Deferrals (Table B and Attachment B)**

As of September 1, 1986, \$3,993.5 million in 1986 budget authority was being deferred from obligation and \$7.5 million in 1986 outlays was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1986.

**Information from Special Messages**

The special messages containing information on the deferrals covered by

this cumulative report are printed in the **Federal Registers** listed below:

Vol. 50, FR p. 41100, Tuesday, October 8, 1985  
Vol. 50, FR p. 49498, Monday, December 2, 1985  
Vol. 51, FR p. 5830, Tuesday, February 18, 1986  
Vol. 51, FR p. 9154, Monday, March 17, 1986  
Vol. 51, FR p. 10526, Wednesday, March 26, 1986  
Vol. 51, FR p. 16274, Thursday, May 1, 1986  
Vol. 51, FR p. 24790, Tuesday, July 8, 1986

James C. Miller III,  
Director.

BILLING CODE 3110-01-M

TABLE A

## STATUS OF 1986 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President.....	\$10,126.9
Accepted by the Congress.....	143.2
Rejected by the Congress.....	9,983.7 <u>a/</u>
Pending before the Congress.....	0

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TABLE B

## STATUS OF 1986 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President.....	\$24,767.2
Routine Executive releases through September 1, 1986.....	-10,688.9
(OMB/Agency releases of \$16,305.2 million and cumulative adjustments of \$5,616.4 million)	
Overtaken by the Congress.....	-10,077.3
Currently before the Congress.....	4,001.0 <u>b/</u>

a/ Rescission proposals transmitted with the FY 1987 Budget and subsequent special messages were released immediately following expiration of the 45-day clock on rescissions under the Impoundment Control Act. However, Congress subsequently enacted some proposed rescissions in the Urgent Supplemental Appropriations Act, 1986 (P.L. 99-349).

b/ This amount includes \$7.5 million in outlays for a Department of the Treasury deferral (D86-30B).

Attachments

As of September 1, 1986 Amounts in Thousands of Dollars	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
Agency/Bureau/Account								
FUNDS APPROPRIATED TO THE PRESIDENT								
Multilateral Assistance								
International organizations and programs.	R86-1			2-5-86				
	R86-1A	39,760		3-20-86		39,760	4-16-86	
DEPARTMENT OF AGRICULTURE								
Agricultural Stabilization and Conservation Service								
Rural clean water program.....	R86-2	6,000		2-5-86		6,000	4-16-86	
Agricultural conservation program.....	R86-3	140,839		2-5-86		140,839	4-16-86	
Water bank program.....	R86-4	8,371		2-5-86		8,371	4-16-86	
Dairy indemnity program.....	R86-5	95		2-5-86		95	4-16-86	
Rural Electrification Administration								
Reimbursement to the Rural electrification and telephone revolving fund for interest subsidies and losses..	R86-6	100,000		2-5-86		100,000	4-16-86	
Purchase of Rural Telephone Bank capital stock.....	R86-7	28,710		2-5-86		28,710	4-16-86	
Farmers Home Administration								
Rural development loan fund.....	R86-10	13,674		2-5-86		13,674	4-16-86	
Soil Conservation Service								
Watershed and flood prevention operations	R86-11	60,401		2-5-86		60,401	4-16-86	
Great plains conservation program.....	R86-12	6,606		2-5-86		6,606	4-16-86	
Food and Nutrition Service								
Food donations program.....	R86-13	5,183		2-5-86		5,183	4-16-86	
DEPARTMENT OF COMMERCE								
Economic Development Administration								
Economic development assistance programs.	R86-14	101,309		2-5-86		101,309	4-16-86	
International Trade Administration								
Operations and administration.....	R86-15	19,290		2-5-86		19,290	4-16-86	
National Oceanic and Atmospheric Administration								
Operations, research, and facilities.....	R86-16	63,323		2-5-86		63,323	4-16-86	

## Attachment A - Status of Rescissions - Fiscal Year 1986

As of September 1, 1986 Amounts in Thousands of Dollars	Rescission Number	Amount Previously Considered by Congress	Amount Currently Before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
Agency/Bureau/Account								
National Telecommunications and Information Administration Public telecommunications facilities, planning and construction.....	R86-17	21,820		2-5-86		21,820	4-16-86	
DEPARTMENT OF DEFENSE - MILITARY								
Procurement								
Procurement of weapons and tracked combat vehicles, Army.....	R86-81	34,400		4-25-86	34,400	34,400	6-23-86	P.L. 99-349
Shipbuilding and conversion, Navy.....	R86-82	40,100		4-25-86	40,100	40,100	6-23-86	P.L. 99-349
Other procurement, Air Force.....	R86-83	40,000		4-25-86	40,000	40,000	6-23-86	P.L. 99-349
DEPARTMENT OF EDUCATION								
Office of Elementary and Secondary Education								
Compensatory education for the disadvantaged.....	R86-18	7,177		2-5-86		7,177	4-16-86	
Special programs.....	R86-19	37,782		2-5-86		37,782	4-16-86	
Office of Bilingual Education and Minority Languages Affairs								
Immigrant education.....	R86-20	28,710		2-5-86		28,710	4-16-86	
Office of Special Education and Rehabilitative Services								
Education for the handicapped.....	R86-21	44,364		2-5-86		44,364	4-16-86	
Rehabilitation services and handicapped research.....	R86-22	75,439		2-5-86		75,439	4-16-86	
Payments to institutions for the handicapped.....	R86-23	446		2-5-86		446	4-16-86	
Office of Vocational and Adult Education								
Vocational and adult education.....	R86-24	210,337		2-5-86		210,337	4-16-86	
Office of Postsecondary Education								
Student financial assistance.....	R86-25	456,347		2-5-86		456,347	4-16-86	
Higher education.....	R86-26	180,882		2-5-86		180,882	4-16-86	
Special Institutions								
Howard University.....	R86-27	5,699		2-5-86		5,699	4-16-86	

As of September 1, 1986 Amounts in Thousands of Dollars	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
Agency/Bureau/Account								
Office of Educational Research and Improvement								
Libraries.....	R86-28	33,017		2-5-86		33,017	4-16-86	
DEPARTMENT OF ENERGY								
Energy Programs								
Energy supply, research and development activities.....	R86-8	38,489		3-12-86		38,489	5-9-86	
Fossil energy research and development....	R86-80	13,072		3-12-86		13,072	5-9-86	
Energy conservation.....	R86-77	9,816		3-12-86		9,816	5-9-86	
	R86-77A	5,344		3-20-86		5,344	5-9-86	
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Health Resources and Services Administration								
Health resources and services.....	R86-9	211,455		2-5-86		211,455	4-17-86	
Indian health.....	R86-29	24,262		2-5-86		24,262	4-16-86	
Indian health facilities.....	R96-30	38,642		2-5-86		38,642	4-16-86	
Centers for Disease Control								
Disease control, research, and training..	R86-31	34,096		2-5-86		34,096	4-17-86	
National Institutes of Health								
National Cancer Institute.....	R86-32	6,800		2-5-86		6,800	4-18-86	
National Heart, Lung and Blood Institute.	R86-33	11,469		2-5-86		11,469	4-18-86	
National Institute of Diabetes and Digestive and Kidney Diseases.....	R86-34	7,980		2-5-86		7,980	4-18-86	
National Institute of Neurological and Communicative Disorders and Strokes.....	R86-35	9,554		2-5-86		9,554	4-18-86	
National Institute of Allergy and Infectious Disease.....	R86-36	1,513		2-5-86		1,513	4-18-86	
National Institute of General Medical Sciences.....	R86-37	7,358		2-5-86		7,358	4-18-86	
National Institute of Child Health and Human Development.....	R86-38	1,150		2-5-86		1,150	4-18-86	
National Eye Institute.....	R86-39	5,224		2-5-86		5,224	4-18-86	
National Institute on Aging.....	R86-40	2,679		2-5-86		2,679	4-18-86	
Office of the Director.....	R86-41	23,055		2-5-86		23,055	4-18-86	
Alcohol, Drug Abuse, and Mental Health Administration								
Alcohol, drug abuse, and mental health....	R86-42	39,718		2-5-86		39,718	4-18-86	

## Attachment A - Status of Rescissions - Fiscal Year 1986

As of September 1, 1986 Amounts in Thousands of Dollars	Rescission Number	Amount Previously Considered by Congress	Amount Currently Before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
Agency/Bureau/Account								
Health Care Financing Administration Program management.....	R86-43	912		2-5-86		912	4-16-86	
Social Security Administration Refugee and entrant assistance.....	R86-44	87,551		2-5-86		87,551	4-16-86	
Human Development Services Human development services.....	R86-45	29,980		2-5-86		29,980	4-16-86	
Family social services.....	R86-46	6,157		2-5-86		6,157	4-16-86	
Work incentives.....	R86-47	45,884		2-5-86		45,884	4-16-86	
Community services block grant.....	R86-48	182,139		2-5-86		182,139	4-16-86	
Community development credit union revolving fund.....	R86-49	2,529		2-5-86		2,529	4-16-86	
Departmental Management General Departmental management.....	R86-50	19,619		2-5-86		19,619	4-16-86	
Policy research.....	R86-51	220		2-5-86		220	4-16-86	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs Subsidized housing programs.....	R86-52	4,416,151		2-5-86		4,416,151	4-16-86	
Congregate services program.....	R86-53	2,555		2-5-86		2,555	4-16-86	
Housing counseling assistance.....	R86-54	3,313		2-5-86		3,313	4-16-86	
Community Planning and Development Urban development action grants.....	R86-55	220,062		2-5-86		220,062	4-16-86	
DEPARTMENT OF THE INTERIOR								
Bureau of Land Management Land acquisition.....	R86-56	3,000		2-5-86		3,000	4-16-86	
United States Fish and Wildlife Service Land acquisition.....	R86-57	4,951		2-5-86		4,951	4-16-86	
National Park Service Construction.....	R86-58	13,613		2-5-86		13,613	4-16-86	
Land acquisition.....	R86-59	83,917		2-5-86	28,710	83,917	4-16-86	P.L. 99-349
Historic preservation fund.....	R86-60	18,523		2-5-86		18,523	4-16-86	

## Attachment A - Status of Rescissions - Fiscal Year 1986

As of September 1, 1986 Amounts in Thousands of Dollars	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
DEPARTMENT OF JUSTICE								
Federal Prison System								
National Institute of Corrections.....	R86-61	3,315		2-5-86		3,315	4-16-86	
Office of Justice Programs								
Justice assistance.....	R86-62	134,666		2-5-86		134,666	4-16-86	
DEPARTMENT OF LABOR								
Employment and Training Administration								
Training and employment services.....	R86-63	416,037		2-5-86		416,037	4-16-86	
DEPARTMENT OF TRANSPORTATION								
Federal Railroad Administration								
Rail service assistance.....	R86-64	14,355		2-5-86		14,355	4-16-86	
Northeast corridor improvement program..	R86-65	11,962		2-5-86		11,962	4-16-86	
Railroad rehabilitation and improvement financing funds.....	R86-66	32,059		2-5-86		32,059	4-16-86	
Urban Mass Transportation Administration								
Discretionary grants.....	R86-67	521,275		2-5-86		521,275	4-16-86	
DEPARTMENT OF THE TREASURY								
Office of Revenue Sharing								
Payments to State and local government fiscal assistance trust fund.....	R86-68	759,975		2-5-86		759,975	4-16-86	
Federal Law Enforcement Training Center								
Salaries and expenses.....	R86-69	4,976		2-5-86		4,976	4-16-86	
United States Customs Service								
Salaries and expenses.....	R86-70	4,169		2-5-86		4,169	4-16-86	
Operation and maintenance, air interdiction program.....	R86-71	19,275		2-5-86		19,275	4-16-86	
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION								
Research and development.....	R86-72	26,796		2-5-86		26,796	4-16-86	

## Attachment A - Status of Rescissions - Fiscal Year 1986

As of September 1, 1986 Amounts in Thousands of Dollars	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
Agency/Bureau/Account								
OFFICE OF PERSONNEL MANAGEMENT								
Government payment for annuitants, employees health benefits.....	R86-73	600,000		2-5-86		600,000	4-16-86	
OTHER INDEPENDENT AGENCIES								
Appalachian Regional Commission								
Appalachian regional development programs	R86-74	81,000		2-5-86		81,000	4-16-86	
Corporation for Public Broadcasting								
Public broadcasting fund.....	R86-75	44,000		2-5-86		44,000	4-16-86	
National Endowment for the Humanities								
Grants and administration.....	R86-76	1,903		2-5-86		1,903	4-16-86	
State Justice Institute								
Salaries and expenses.....	R86-78	7,656		2-5-86		7,656	4-16-86	
United States Railway Association								
Administrative expenses.....	R86-79	640		2-5-86		640	4-16-86	
Total, rescissions.....		10,126,892	0		143,210	10,126,892		

Notes. - The amount of the rescission proposal for Subsidized housing programs (R86-52) for the "Rental rehabilitation grants program" was inadvertently shown in the Third Special Message as \$71,755,000 instead of \$71,775,000. This report reflects the correct amount.

The following rescission proposal has been adjusted downward to reflect the impact of sequestration: R86-54..... \$3,312,500

Amounts rescinded in the Urgent Supplemental Appropriations Act, 1986 on July 2, 1986 were available between the date of release and the date of enactment.

## Attachment B - Status of Deferrals - Fiscal Year 1986

As of September 1, 1986 Amounts in Thousands of Dollars	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congres- sionally Required Releases	Congres- sional Action	Cumulative Adjustments	Amount Deferred as of 9-1-86
Agency/Bureau/Account									
FUNDS APPROPRIATED TO THE PRESIDENT									
Appalachian Regional Development Programs									
Appalachian regional development programs..	D86-1	10,000		10-1-85					10,000
International Security Assistance									
Foreign military sales credit.....	D86-32	4,590,000		2-5-86	4,127,912				462,088
Economic support fund.....	D86-24	1,222,216		11-25-85					
	D86-24A		1,936,060	2-5-86	2,680,005			40,491	518,762
Military assistance program.....	D86-33	661,350		2-5-86	648,407				12,943
International military education and training.....	D86-34	27,245		2-5-86	27,245				0
Agency for International Development									
International disaster assistance.....	D86-59	64,607		3-12-86	54,970				9,637
Multilateral Development Banks									
Contribution to the special facility for sub-saharan Africa.....	D86-35	75,000		2-5-86	75,000				0
DEPARTMENT OF AGRICULTURE									
Farmers Home Administration									
Rural housing insurance fund.....	D86-60	700,000		3-12-86		700,000	P.L. 99-349		0
Forest Service									
Expenses, brush disposal.....	D86-2	77,913		10-1-85					
	D86-2A		30,893	3-12-86	7,300				101,506
Timber salvage sales.....	D86-3	22,854		10-1-85	151				19,549
Cooperative work.....	D86-61	442,336		3-12-86		3,153	P.L. 99-349		442,336
DEPARTMENT OF COMMERCE									
Economic Development Administration									
Economic development assistance programs.....	D86-36	40,000		2-5-86		40,000	P.L. 99-349		0

## Attachment B - Status of Deferrals - Fiscal Year 1986

As of September 1, 1986 Amounts in Thousands of Dollars	Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congres- sionally Required Releases	Congres- sional Action	Cumulative Adjustments	Amount Deferred as of 9-1-86
National Oceanic and Atmospheric Administration										
Promote and develop fishery products and research pertaining to American fisheries	D86-26	32,333			11-25-85	32,333				0
Fisheries loan fund.....	D86-25	1,959		338	11-25-85 2-5-86					2,297
	D86-25A									
Patent and Trademark Office										
Salaries and expenses.....	D86-65	1,977			3-20-86					1,977
DEPARTMENT OF DEFENSE - MILITARY										
Military Construction										
Military construction, Defense.....	D86-4 D86-4A	353,079		1,488,579	10-1-85 2-5-86	1,881,631			42,323	2,350
Family Housing										
Family housing, Defense.....	D86-27 D86-27A	11,800		210,042	11-25-85 2-5-86	144,899				76,943
DEPARTMENT OF DEFENSE - CIVIL										
Wildlife Conservation, Military Reservations										
Wildlife conservation.....	D86-5 D86-5A	1,168		88	10-1-85 2-5-86	124			106	1,238
DEPARTMENT OF ENERGY										
Energy Programs										
Energy supply, research and development activities.....	D86-38	65,763			2-5-86	41,029	23,156 P.L. 99-349		1,120	2,698
Uranium supply and enrichment activities....	D86-58	584,158			2-5-86					584,158
Fossil energy research and development.....	D86-6 D86-6A	9,247		55,565	10-1-85 2-5-86	44,065	18,140 P.L. 99-349			2,607
	D86-67	500			6-24-86					500
Fossil energy construction.....	D86-7	7,038			10-1-85	4,964				2,074
Naval petroleum and oil shale reserves.....	D86-8	155,668			10-1-85					
	D86-8A			10,798	2-5-86	130,005				36,461

## Attachment B - Status of Deferrals - Fiscal Year 1986

As of September 1, 1986 Amounts in Thousands of Dollars	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congres- sionally Required Releases	Congres- sional Action	Cumulative Adjustments	Amount Deferred as of 9-1-86
Agency/Bureau/Account									
Energy conservation.....	D86-9	9,880	26,902	10-1-85					
	D86-9A			3-12-86	18,560	14,746 P.L. 99-349		3,080	6,556
	D86-68	287		6-24-86					287
Strategic petroleum reserve.....	D86-37	197,941		2-5-86	156,759	197,941 P.L. 99-349		156,759	0
	D86-69	637		6-24-86					637
SPR petroleum account.....	D86-10	536,958		10-1-85					
	D86-10A		40,576	2-5-86		577,534 P.L. 99-349			0
Alternative fuels production.....	D86-11	1,149		10-1-85					
	D86-11A		750	2-5-86	1,899				0
Power Marketing Administration									
Alaska Power Administration, Operation and maintenance.....	D86-62	400		3-12-86					400
Southeastern Power Administration, Operation and maintenance.....	D86-12	25,344		10-1-85	23,936			681	2,089
Southwestern Power Administration, Operation and maintenance.....	D86-13	5,000		10-1-85					
	D86-13A		8,243	2-5-86					13,243
Western Area Power Administration, Construction, rehabilitation, operation and maintenance.....	D86-14	27,095		10-1-85					
	D86-14A		16,371	3-12-86	11,900				31,566
Departmental Administration									
Departmental administration.....	D86-15	8,501		10-1-85	8,501				0
	D86-63	393		3-12-86					393
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Office of Assistant Secretary for Health Scientific activities overseas (special foreign currency program).....	D86-16	3,000		10-1-85					3,000
Health Care Financing Administration Program management.....	D86-57	8,489		2-5-86	8,489				0
	D86-70	45,000		6-24-86					45,000
Social Security Administration Limitation on administrative expenses (construction).....	D86-28	6,489		11-25-85					
	D86-28A		157	2-5-86					6,647

## Attachment B - Status of Deferrals - Fiscal Year 1986

As of September 1, 1986 Amounts in Thousands of Dollars	Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congres- sionally Required Releases	Congres- sional Action	Cumulative Adjustments	Amount Deferred as of 9-1-86
Limitation on administrative expenses (excludes disability determination services).....	D86-39		30,000		2-5-86	30,000				0
Limitation on administrative expenses (information technology systems).....	D86-40		114,641		2-5-86					114,641
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT										
Housing Programs										
Annual contributions for assisted housing -										
Budget authority.....	D86-41		7,032,443		2-5-86	4,731,637	7,032,443	P.L. 99-349	4,731,637	0
Contract authority.....	D86-42		641		2-5-86	641				0
Rental housing development grants.....	D86-43		77,400		2-5-86	77,400				0
Congregate services program.....	D86-44		2,670		2-5-86	2,670				0
Housing for the elderly or handicapped fund	D86-45		599,801		2-5-86	599,801	599,801	P.L. 99-349	599,801	0
Nonprofit sponsor assistance.....	D86-46		1,000		2-5-86	1,000	1,000	P.L. 99-349	1,000	0
Community Planning and Development										
Rental rehabilitation grants program.....	D86-47		77,000		2-5-86	77,000				0
Community development grants.....	D86-48		500,000		2-5-86		500,000	P.L. 99-349		0
Urban development action grants.....	D86-49		251,000		2-5-86	251,000				0
Rehabilitation loan fund.....	D86-50		135,535		2-5-86	4,402	135,535	P.L. 99-349	4,402	0
DEPARTMENT OF THE INTERIOR										
Bureau of Land Management										
Payments for proceeds, sale of Mineral Leasing Act of 1920, Section 40(d).....	D86-66		49		3-20-86					49
National Park Service										
Land acquisition and State assistance.....	D86-64		1,893		3-12-86					1,893
DEPARTMENT OF JUSTICE										
Bureau of Prisons										
Buildings and facilities.....	D86-17 D86-17A		20,000	10,730	10-1-85 2-5-86	24,330				6,400

## Attachment B - Status of Deferrals - Fiscal Year 1986

As of September 1, 1986 Amounts in Thousands of Dollars	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congres- sionally Required Releases	Congres- sional Action	Cumulative Adjustments	Amount Deferred as of 9-1-86
Agency/Bureau/Account									
Office of Justice Programs									
Crime victims fund.....	D86-18 D86-18A	100,000	3,396	10-1-85 2-5-86	4,300				99,096
DEPARTMENT OF LABOR									
Employment and Training Administration									
State unemployment insurance and employment service operation.....	D86-51	37,000		2-5-86	33,089				3,911
DEPARTMENT OF STATE									
Bureau of Refugee Programs									
United States emergency refugee and migration assistance fund, executive.....	D86-19	18,082		10-1-85	12,000				6,082
Other									
Assistance for implementation of a Contadora agreement.....	D86-20	2,000		10-1-85					2,000
DEPARTMENT OF TRANSPORTATION									
Federal Railroad Administration									
Conrail labor protection.....	D86-52	4,565		2-5-86	4,565				0
Urban Mass Transportation Administration									
Discretionary grants.....	D86-21	223,600		10-1-85		223,600 P.L. 99-190			0
Federal Aviation Administration									
Facilities and equipment (Airport and airway trust fund).....	D86-29 D86-29A	686,438	681,723	11-25-85 2-5-86	156,011				1,212,151
Maritime Administration									
Operations and training.....	D86-53 D86-53A	9,350	888	2-5-86 3-20-86	8,500	10,238 P.L. 99-349		8,500	0

## Attachment B - Status of Deferrals - Fiscal Year 1986

As of September 1, 1986 Amounts in Thousands of Dollars	Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congres- sionally Required Releases	Congres- sional Action	Cumulative Adjustments	Amount Deferred as of 9-1-86								
DEPARTMENT OF THE TREASURY																		
Office of Revenue Sharing Local government fiscal assistance trust fund.....		D86-30	7,743	97,483	11-25-85	143,757			26,211	7,455								
		D86-30A		19,774	2-5-86													
		D86-30B			3-12-86													
Local government fiscal assistance trust fund.....		D86-31	54,349	25,651	11-25-85	6,126			244	74,118								
		D86-31A			3-12-86													
OTHER INDEPENDENT AGENCIES																		
Commission on the Ukraine Famine Salaries and expenses.....		D86-54	233		2-5-86					233								
Pennsylvania Avenue Development Corporation Land acquisition and development fund.....		D86-22	10,947		10-1-85					10,947								
Railroad Retirement Board Milwaukee railroad restructuring, administration.....		D86-23	243	2,201	10-1-85	43				200								
											Dual benefits payments account.....	D86-55			2,009			192
United States Information Agency Acquisition and construction of radio facilities.....		D86-56	66,545		2-5-86	4,880				61,666								
TOTAL, DEFERRALS.....			20,102,143	4,665,008		16,305,245	10,077,286		5,616,355	4,000,976								

Note: All of the above amounts represent budget authority except the Local Government Fiscal Assistance Trust Fund (D86-30B) of outlays only.

Some of the amounts shown above as "Cumulative OMB/Agency Releases" were sequestered pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

The Urgent Supplemental Appropriations Act, 1986 (Public Law 99-349) disapproved parts of deferrals already released. The column entitled "Congressional Required Releases" reflects the amount required to be released by the law. Appropriate adjustments were made in the "Cumulative Adjustments" column.

SECTION 1: INTRODUCTION AND SCOPE

This document provides a comprehensive overview of the project's objectives, scope, and the roles of the various stakeholders involved. It serves as a foundational reference for all project-related activities and decisions.

SECTION 2: PROJECT OBJECTIVES AND SCOPE

The primary objective of this project is to develop a robust system that meets the needs of the organization while maintaining high standards of quality and security. The scope of the project is defined by the specific requirements and constraints outlined in the project charter.

The project will be managed in accordance with the principles of agile development, allowing for flexibility and iterative improvement throughout the development cycle. Regular communication and collaboration among team members are essential for the success of the project.

The project team consists of individuals with diverse skill sets and backgrounds, all committed to the project's success. The team will work closely together to address any challenges that arise and ensure that the project remains on track.

The project is subject to regular monitoring and evaluation to ensure that it remains aligned with the organization's strategic goals. Any changes to the project plan will be carefully reviewed and approved by the project steering committee.

This document is a living document that will be updated as the project evolves. It is the responsibility of the project manager to ensure that the document remains current and relevant throughout the project's lifecycle.

SECTION 3: PROJECT MANAGEMENT

The project management process involves the planning, execution, and control of the project. This section details the specific tasks and responsibilities of the project manager and the team.

The project manager is responsible for ensuring that the project is completed on time, within budget, and to the satisfaction of the stakeholders. This involves effective communication, resource management, and risk mitigation.

The project team will follow a structured approach to project management, utilizing various tools and techniques to track progress and manage resources. Regular status reports will be provided to the project steering committee.

The project is a complex endeavor that requires careful planning and execution. The project manager will ensure that all project activities are documented and that the project remains transparent to all stakeholders. The project team will work together to overcome any challenges and achieve the project's goals.

# Reader Aids

Federal Register

Vol. 51, No. 180

Wednesday, September 17, 1986

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------	----------

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---------------------------------	----------

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TDD for the deaf	523-5229

## FEDERAL REGISTER PAGES AND DATES, SEPTEMBER

31089-31308	2
31309-31604	3
31605-31756	4
31757-31924	5
31925-32046	8
32047-32188	9
32189-32296	10
32297-32416	11
32417-32622	12
32623-32776	15
32777-32888	16
32889-33026	17

## CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

### 3 CFR

#### Executive Orders:

10450 (See EO 12564)	32889
12333 (See EO 12564)	32889
12356 (See EO 12564)	32889
12532 (See Notice of September 4, 1986)	31925
12563	32777
12564	32889

#### Administrative Orders:

Notice: September 4, 1986	31925
---------------------------	-------

#### Proclamations:

5519	31309
5520	31311
5521	32047
5522	32417
5523	32419
5524	32421

### 5 CFR

Ch. XIV	32623
831	31927

#### Proposed Rules:

300	31954
-----	-------

### 7 CFR 50

0	32904
1	32189
2	31757
226	31313
247	32895
301	31605
402	32903
403	32903
409	32903
410	32903
411	32903
413-433	32903
435-451	32903
729	32049, 32620
908	31758
910	32423
991	32779
1065	32623
1136	31759
1137	32056
1230	31898
1421	32297, 32624, 32626
1427	32297
1464	32424
1475	31316
1747	32428

#### Proposed Rules:

17	32791
68	32924
246	32093, 32657
301	31956

911	32098, 32924
915	32098, 32924
981	32103
989	32216
1065	31133
1068	31133
1079	31133
1137	31340
1139	32104

### 8 CFR

212	32294
-----	-------

#### Proposed Rules:

214	31637
-----	-------

### 9 CFR

51	32574
71	32574
78	32574
80	32574
92	32574
307	32301
318	32301
319	32057
322	31937
327	32903
381	32301

#### Proposed Rules:

92	31637
----	-------

### 10 CFR

50	32904
477	31316

#### Proposed Rules:

2	31340
40	32217
50	31341

### 12 CFR

611	32431
-----	-------

#### Proposed Rules:

332	32336
563	32925

### 13 CFR

121	32197
123	32197
309	32628

### 14 CFR

21	31317
39	31089, 31090, 31607, 31608, 32198-32200, 32202, 32780, 32906
71	31097
75	31097
91	31098
95	31319
97	31322, 32782
1203	32783

#### Proposed Rules:

21	31644, 32927
----	--------------

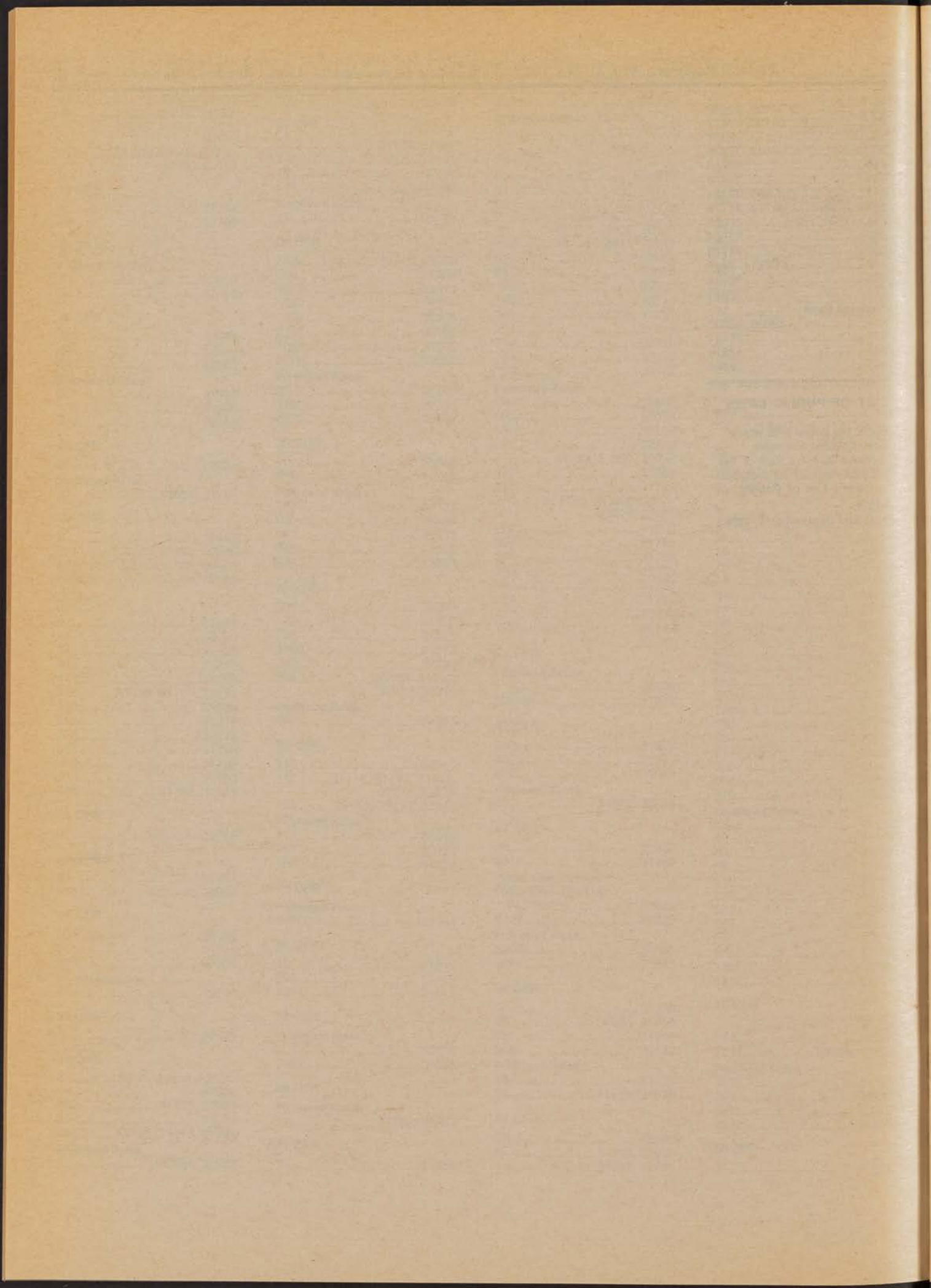
23.....31644, 32927	602.....32929	233.....31328	2.....31303
39.....31133-31137, 31342, 31343, 31647, 31779, 32480	<b>28 CFR</b>	<b>Proposed Rules:</b>	13.....31303
71.....31138, 31648, 32410, 32480-32484	0.....31939, 31940	111.....31673	21.....31303
<b>15 CFR</b>	2.....32071, 32785	<b>40 CFR</b>	22.....31335
4.....32204	16.....32305	6.....32606	42.....32651
4b.....32206	544.....32602	51.....32176	63.....31303
<b>16 CFR</b>	<b>Proposed Rules:</b>	52.....31125, 31127, 31129, 31328, 32073, 32075, 32176, 32638, 32640	65.....32921
<b>Proposed Rules:</b>	16.....31781	60.....32454, 32641, 32642	73.....32087, 32089, 32213, 32320, 32653, 32654
4.....32657	<b>29 CFR</b>	61.....32642	74.....32087
13.....32485	102.....32918, 32919	81.....32640	80.....31206
<b>17 CFR</b>	220.....32306	172.....32920	81.....31206
200.....32630	1601.....32073	180.....32212	83.....31206
240.....32630	1620.....32636	261.....31330, 32458	87.....31303
275.....32906	1956.....32453	271.....31618	90.....31303
<b>Proposed Rules:</b>	2200.....32002	716.....32720	94.....31303
30.....32929	2619.....32636	721.....32077	<b>Proposed Rules:</b>
150.....31648	2676.....32637	799.....32079	2.....32222
240.....32658	<b>Proposed Rules:</b>	<b>Proposed Rules:</b>	15.....31147, 32222
<b>18 CFR</b>	97.....32793	Ch. I.....32668	25.....32223
389.....32784	516.....32744	50.....32878	64.....32113
<b>Proposed Rules:</b>	2676.....32637	51.....32180	67.....31149
37.....31651, 31781	<b>30 CFR</b>	52.....32180	68.....31149
<b>19 CFR</b>	901.....31940	86.....31783, 31959, 32032	73.....32113, 32114, 32224- 32226, 32340
6.....32448	938.....31942	137.....32886	76.....31147
111.....31760, 32208	<b>Proposed Rules:</b>	260.....31783	80.....31306
171.....31760, 32208	733.....31139	261.....31140, 31783, 32217, 32670, 32929	<b>48 CFR</b>
178.....31760, 32208	915.....32644	262.....31783	5.....31424
<b>21 CFR</b>	917.....32336	264.....31783	7.....31424
5.....32451	946.....32106	265.....31783	13.....31424
14.....32630	948.....32338	268.....31783	16.....31424
74.....32453	<b>32 CFR</b>	270.....31783	19.....31424
81.....31323	90.....32308	271.....31783	24.....31424
175.....31098	199.....31100	721.....32495	31.....31424
178.....31099, 31760, 32211	205.....31325	799.....32107	47.....31424
193.....31324	286g.....31103	<b>41 CFR</b>	50.....31424
331.....32212	359.....32309	<b>Proposed Rules:</b>	52.....31424
332.....32212	706.....31103-31112, 32312-32316	114.....32796	223.....31765
357.....31763	<b>Proposed Rules:</b>	201-33.....31674	228.....31765
369.....31763	40.....31651	<b>42 CFR</b>	242.....31765
510.....31100	<b>33 CFR</b>	23.....31947	252.....31765
558.....31763, 32631	110.....32317	405.....31454	522.....32654
<b>22 CFR</b>	117.....31112, 31113, 31946, 32318, 32319	412.....31454	552.....32654
41.....32295	165.....31113, 31114, 31946	<b>Proposed Rules:</b>	553.....32654
<b>23 CFR</b>	<b>Proposed Rules:</b>	57.....31920, 32616	914.....31335
11.....32453	117.....32339	<b>43 CFR</b>	933.....31335
655.....32907	161.....32489	36.....31619	952.....31335
<b>24 CFR</b>	165.....31958	2880.....31764	970.....31335
201.....32059	<b>34 CFR</b>	<b>Public Land Orders:</b>	<b>Proposed Rules:</b>
511.....31764	<b>Proposed Rules:</b>	6592 (Corrected by PLO 6621).....32920	32.....31194
888.....32908	614.....31754	6621.....32920	45.....31196
<b>Proposed Rules:</b>	<b>36 CFR</b>	<b>Proposed Rules:</b>	48.....31197
278.....32764	13.....31619	2800.....31886	52.....31194, 31197
<b>25 CFR</b>	800.....31115	2880.....31886	515.....31344
5.....32631	1254.....31617	<b>44 CFR</b>	538.....31344
<b>26 CFR</b>	<b>37 CFR</b>	64.....31330	542.....32340
1.....31610, 31613, 32061, 32633	<b>Proposed Rules:</b>	65.....31635, 31950	552.....31344
20.....31938, 32071	1.....32756	67.....31951	970.....32340
25.....31938	202.....32665	205.....32642	1317.....31687
602.....31610, 31613, 31938	<b>38 CFR</b>	<b>Proposed Rules:</b>	1352.....31687
<b>Proposed Rules:</b>	21.....31782, 32667	10.....31788	5316.....32114
1.....32664, 32929	<b>39 CFR</b>	67.....31675, 31678	<b>49 CFR</b>
	10.....31325	<b>47 CFR</b>	1.....32320
		Ch. I.....32920	571.....31765
		0.....31303, 32087	1039.....32656, 32922
		1.....31303, 32087	<b>Proposed Rules</b>
			391.....31150
			393.....32115
			533.....32802
			1042.....32500
			<b>50 CFR</b>
			17.....31412

20.....	31430, 32460
23.....	31130, 32477
32.....	32321
36.....	31619, 32329
216.....	32786
285.....	32478
611.....	32089, 32334
655.....	31774, 31775
661.....	32091
662.....	32334
663.....	31776
674.....	32214, 3247
675.....	32334
683.....	32215
<b>Proposed Rules</b>	
611.....	32226, 32808
630.....	31151
642.....	32816
685.....	32808

## LIST OF PUBLIC LAWS

**Note:** No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last List September 5, 1986.





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